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ABSTRACT

The Indiana juvenile justice system is charged with intervening on behalf of youthful offenders for the purposes of providing care, treatment, protection, or rehabilitation. This report provides an overview of the state's juvenile justice system, which has fallen under widespread criticism for many years. The following issues are identified: data reliability; problems with detention; jurisdiction; funding and resources; placement; serious juvenile offenders; prevention programs; and poor coordination of services. Recent efforts to improve the juvenile justice system in Indiana are described, such as the establishment of various committees to analyze and recommend improvements in the areas of: (1) policy; (2) fiscal issues; (3) legal issues; (4) prevention; (5) coordination; and (6) delivery of services. State-level reforms also included taking measures in social services, funding efforts, residential placement practices, and statistical data collection. Actions taken at the federal level are then outlined. Contains 75 notes. (JE)

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Juvenile Justice in Indiana

Facing the Issues

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The artwork featured on the front cover of this publication was created by Phillip B. Lynam, whose artistic talents IYI has used since his freshman year of high school. Phillip is currently enrolled at the Art Institute of Cleveland, Ohio.

Juvenile Justice in Indiana:
Facing the Issues

1995

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About the Indiana Youth Institute

We believe that the state of Indiana can and should become a state that genuinely cares about its young people and that its national reputation should reflect that concern and commitment.

To enhance that commitment, the Indiana Youth Institute works with adults who care about youth.

- IYI advocates for better service for Indiana's young people, both directly and in collaboration with others.
- IYI develops strategies to increase youth-serving professionals' knowledge, caring, and competence.
- IYI cultivates and supports innovative projects that hold promise for improving the lives of Indiana's young people.

We believe that the key to the success of young people is in the hands of the adults who care about them.

IYI is an intermediary agency that supports youth development professionals and decision makers with advocacy, research, and training.

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Juvenile Justice in Indiana:
Facing the Issues

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I. Introduction

Indiana's juvenile justice system is in trouble. Long criticized by advocates, families, and analysts alike, the system has often faced court action and consent decrees involving the petitioning parties: overcrowding at the Indiana Boys' School, insufficient numbers of child welfare caseworkers in Marion county, violation of children's civil rights through placement delays because of the Local Coordinating Committees, and use of adult jails to hold juvenile offenders. One juvenile court judge from a rural county frequently refers to the system as "*a five-legged rabbit that can't run*" and hopes that efforts to revise it will not create "*a four-legged hippo that still can't run but will cost a whole lot more county dollars to feed.*"[1] Despite the long history of concern, little has changed until recently in the system designed nearly a century ago to act *in loco parentis* (in the place or position of the parent), through the authority of *parens patriae* (state acting as guardian or protector of citizens who are unable to protect themselves).

The Indiana juvenile justice system is charged with intervening on behalf of youthful offenders for specific purposes: to provide care, treatment, rehabilitation, or protection. This system is at once 92 separate systems, with many governance and funding variations among Indiana's 92 counties. Tensions among levels of government (state vs. county and local) and between branches of government (executive vs. judicial) further complicate already difficult decisions regarding young people in the system. Other challenges include inadequate resources, inappropriate placement of juveniles, insufficient staffing, and poor, inaccurate, or inconsistent juvenile crime data.

This report is not meant to be an exhaustive study of the issues, but a general description of serious problems in Indiana's juvenile justice system and the endeavors under way to address these problems.

Juvenile offenders not new to social service systems

Youth entering the juvenile justice system as offenders are rarely naive or new to the process. Many have been bounced around within the social service system for years. A 1990 study by the Indiana Department of Correction found that prior to that incarceration:[2]

- at least 60 percent of the residents at the Indiana Boys' School in 1990 had been wards of the child welfare system,
- 30 percent had been previously placed in group homes, and
- 25 percent had undergone psychiatric or substance abuse hospitalization.

A random sample of youth incarcerated in Department of Correction facilities in 1992 revealed that nearly 71 percent of the boys and 31 percent of the girls had three or more arrests prior to that commitment.[3] For many of these young people, the correctional component of the juvenile justice system is the end stage of intervention. It is the last step prior to adult incarceration.

Multiple interacting factors contribute to youthful ruin. A clear link exists between maltreatment as a child (child enters welfare system) and later delinquent behavior (child enters juvenile justice system). A study conducted by the National Institute of Justice in 1992 showed that being abused or neglected as a child increases the likelihood of arrest as a juvenile by 53 percent, likelihood as an adult by 38 percent, and likelihood for a violent crime by 38 percent.[4] In two separate studies the Indiana Department of Correction clearly documented abuse, neglect, drug and alcohol problems, poor supervision by parent or guardian, single parent homes, school problems, behavior problems, and mental health problems (including suicidal tendencies and psychiatric hospitalization) as common among the youth incarcerated in their facilities. Furthermore, the pattern was set early: More than 60 percent of the boys and 55 percent of the girls had first arrests before the age of 13 years.[5]

Public perception

Despite the clear relationship between maltreatment of children and subsequent offending, the debate about appropriate public policy to decrease juvenile crime often gets bogged down in arguments about what measures are more effective: early intervention to *prevent* juvenile crime or appropriate *punishment* after a juvenile has committed a crime. Rarely do public policymakers commit to investing in both approaches simultaneously. Enacted public policy frequently misses the larger concept of investing in supports that communities regularly provide to promote the healthy development and optimal functioning of young people. But public policymakers react to public opinion, and public opinion is currently driven in large part by the public's fear of personally encountering random acts of violence.

This fear of encountering violence is real and pervasive. It results in changes in personal behavior. *Indianapolis Star* writer George McLaren notes:[6]

> Fear is the result. People limit where they go by themselves. They change their shopping habits. Worry about their children. Buy guns. Even pack up and leave.

Indiana University - Purdue University at Indianapolis (IUPUI) conducted a poll of 1,410 residents of Indianapolis and adjoining suburbs this summer for *The Indianapolis Star*. Of those polled:[7]

- 80.9 percent believed crime increased in the city last year.
- 87.5 percent felt that crime is on the rise across the nation.
- 88.7 percent felt that crime in the United States will get worse unless something drastic is done.
- 90.5 percent favored making it more difficult for those convicted of violent crimes like murder and rape to be paroled.
- 75.5 percent favored making sentences more severe for all crimes.
- 73.0 percent favored putting more police on the streets even if it requires higher taxes.

In a separate poll of 1,052 Indiana voters conducted by *The Indianapolis Star* and WISH - TV (Indianapolis), voters expressed similar anxieties:[8]

- 59 percent said they are very concerned that crime in their community will increase.
- 48 percent are very concerned that they or a family member will become a victim of crime.

What is most interesting about these poll figures is that the perception is based on fear, not reality. The same respondents to the poll conducted by the Public Opinion Laboratory indicated that they felt relatively safe in their own homes and neighborhoods. Nine out of 10 poll respondents said they felt very or somewhat safe in their own neighborhoods.[9] Seven out of ten respondents felt crime in their neighborhoods had stayed the same or decreased in the past year.[10] According to Indianapolis Police Chief James Toler, this contradiction (between feeling safe in their own home but believing that crime is on the increase across the nation) is explained by the fact that respondents "*believe it is happening to someone else.*"[11]

While feeling safe in their own homes, the general public often forgets that violence is learned behavior. Increases in juvenile crime are paralleled by reports of increased child abuse, neglect, and even deaths. As noted above, being abused or neglected as a child increases the likelihood of juvenile arrest, adult arrest, and arrest for a violent crime. Also frequently forgotten by the general public is that the *victims* of crime are often children and youth. The U.S. Department of Justice notes:[12]

- Teenagers are the age group most victimized by crime in the U.S. Although the 12 to 19 age group constitutes only 14 percent of the total population, teens are victims of three in ten violent crimes and one in four thefts.
- African-American males ages 16 to 19 face an enormous risk of death by murder (54.3 per 100,000 versus 8.7 per 100,000 for white males the same age).

- Women ages 12 to 24 were nearly three times more likely to be raped than women in older age groups.

The National Council on Crime and Delinquency adds:[13]

> Between 1986 and 1992, the total number of children killed by firearms rose by 144 percent, compared with a 30 percent increase for adults.

Perhaps the fear expressed by adults in the IUPUI and *Indianapolis Star* polls is related to the images portrayed on our television sets each evening. The faces of children and adolescents as both perpetrators and victims stare out at us during the evening news. In 1993 it was the Indianapolis seven year old rapists, the Franklin youth who murdered his mother, and the Madison girls who tortured a 12-year-old girl to death. Images of youth crime and violence take on different personalities this year. Faces come to mind like that of seven year old Erin of Anderson—beaten and stabbed to death by her 14-year-old neighbor after he molested her, the three promising young adults in Carmel—their throats slashed for rent money, and the Ball State University student—allegedly murdered by four teenagers as a gang initiation rite. Such senseless violence is appalling. Media images of young victims and young assailants greatly fuel public perception and heighten the sense of urgency to do something about Indiana's (and America's) violent and wayward youth.

The *public view* of how to address juvenile violence and crime generally falls into three divergent camps, succinctly summarized by the Public Agenda. Their three positions go essentially as follows:[14]

1. Deterrence Effect: Getting Tougher With Young Criminals

   Juvenile crime is more serious today because we haven't been tough enough with youthful offenders. Punishment teaches a moral lesson, regardless of the offender's age. It is a reminder that rules are fundamentally important and that brutal acts will not be tolerated.

2. Moral Messages: Cultural Confusion and Media Pollution

   The chief cause of juvenile crime is not the absence of consistent punishment, but the erosion of moral standards. Institutions that are supposed to teach the difference between right and wrong—family, schools, and the media—have abdicated their responsibility.

3. Risk Factors: Attacking Juvenile Crime at Its Roots

   Juvenile crime is more common because American society is increasingly harsh. Millions of kids grow up with no prospect of succeeding if they play by the rules. Preventive measures need to be taken seriously and the social roots of the problem must be addressed.

Despite these differences in public opinion as to what is causing the increase in youth violence and crime, the public response is increasingly in favor of punishment,

creating pressure for the court system that oversees care for wayward youth to reexamine the appropriate philosophy of the juvenile court. Some of the results of this increased public pressure include:

- more juveniles being waived to adult courts,
- an ongoing policy debate concerning lowering the age of accountability when a juvenile may be waived,
- determinate sentencing, that is a given sentence for a given crime without flexibility to adjust it for individual circumstances or needs,
- restitution to society and victims alike, and
- the shifting of the system's focus from treatment, support, and rehabilitation to punishment, accountability, and control.

Tension produced by the shift in philosophy is readily seen in the approaches taken and the solutions offered to reduce violence and delinquency (including the federal Violent Crime Control and Law Enforcement Act of 1994 discussed later in this report). Consider the thoughts of Lynn Cole, Chaplain for waived youth, Marion county jail:[15]

> Public officials must educate the public—and it is risky business—because what the public wants and what the system needs (what works) are not congruent. The public wants its "pound of flesh" and perceives the juvenile justice system as just slapping the kids on the back of the wrist, or spanking them. However, public perception of juvenile inmates changes once they actually meet them.

Indiana has many troubled youth among its population. In Fiscal Year 1994, 56 Hoosier children died from abuse and neglect, the highest level ever recorded in Indiana. Since 1987, 325 young Hoosiers have died similar deaths. The numbers grow steadily while the system charged with their supervision and care struggles to keep up. In describing the system, *Indianapolis Star* writer Andrea Neal noted: "Too many kids with too many troubles, they swamp a juvenile justice system with troubles of its own."[16]

The compelling nature of the children's problems drives a desire for action and a quick solution. But we must beware of the quick fix and the politicization of the issue. *Indianapolis Star* writer Linda Graham Caleca warns: "Fear of crime is an emotion-packed issue that can make or break politicians. And they know it."[17]

She quotes IUPUI criminologist Kenna Davis: "Politicians pimp it for everything it's worth. They all want to get tough on crime."[18]

In the same article, Marion Superior Court Judge Gary L. Miller provides a voice of reason: "Politics, rhetoric, and self-interest must be set aside if the broken criminal justice system is to be fixed."[19]

David S. Liederman, executive director of the Child Welfare League of America

agrees: "Calls for the death penalty, stiffer sentences, the treatment of 14-year-olds as adults in criminal proceedings, and the use of the National Guard make for good politics, but lousy solutions."[20]

As you review the sweeping reform initiatives described in this paper, keep in mind the words of the President of the United States:[21]

> ...I urge you to consider this: As you demand tougher penalties for those who choose violence, let us also remember how we came to this sad point. ...We have seen a stunning and simultaneous breakdown of community, family, and work. This has created a vast vacuum which has been filled by violence and drugs and gangs. So I ask you to remember that even as we say "no" to crime, we must give people, especially our young people, something to say "yes" to.

For the many troubled Hoosier children and youth out there, we hope that efforts to stem the tide of juvenile crime will be supported. We do not need more programming that is "too little, too late."

II. Overview of the Juvenile Justice System

Indiana's juvenile justice system is summarized in Figure 1, pages 8 and 9. Most children enter the system for one of two reasons: because they are endangered by the behavior of others or because their own behavior runs counter to the law. In practice, however, the two routes often merge. Because the two systems (child welfare and juvenile justice or corrections) and the issues of child maltreatment and later delinquency are so intimately connected, information about both systems is presented in this report, and both systems are assumed to be part of the juvenile justice system. This report also assumes a working knowledge of the system. This chapter provides a brief review for reference purposes. For a detailed discussion of the juvenile justice system—its statutory purposes, components, and the demographics of youths in the system—please refer to *Kids, Crime, and Court: The Juvenile Justice System in Indiana.*[22]

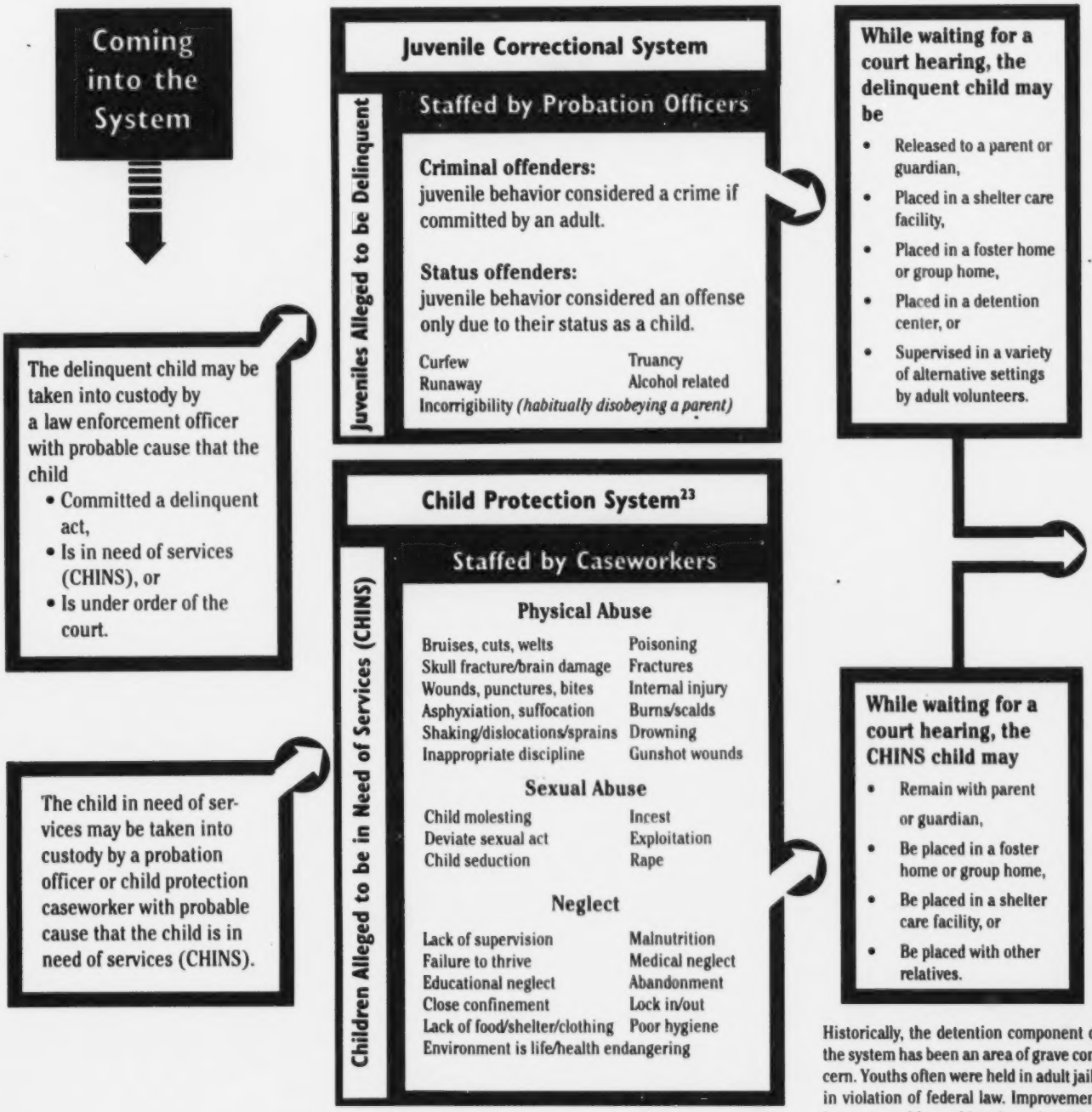
The juvenile court's driving philosophy (defined by statute) is based on the care, treatment, and rehabilitation of the juvenile offender. The two primary determinations made by the court are delinquency (either status or criminal offense) and children in need of services (CHINS).

Definitions of delinquency and CHINS

Delinquent status offenses are infractions considered to be offenses only because of the juvenile's age, such as running away from home, truancy, habitual disobedience (incorrigibility), curfew violations, and alcoholic beverage violations specifically related to minors.

Delinquent criminal offenses are acts committed by a juvenile that would be criminal offenses if committed by an adult, such as property offenses, assault, theft, rape, battery, murder, etc.

Children in need of services (CHINS) are children who have been abused, neglected, endangered, or exploited and are therefore in need of care, treatment, or services that they are not otherwise getting. The complete legal definition of CHINS involves 11 different classifications.


Coming into the System
Juvenile Correctional System
Staffed by Probation Officers
Juveniles Alleged to be Delinquent
Criminal offenders:
juvenile behavior considered a crime if committed by an adult.
Status offenders:
juvenile behavior considered an offense only due to their status as a child.
Curfew
Runaway
Incorrigibility (habitually disobeying a parent)
Truancy
Alcohol related
While waiting for a court hearing, the delinquent child may be
Released to a parent or guardian,
Placed in a shelter care facility,
Placed in a foster home or group home,
Placed in a detention center, or
Supervised in a variety of alternative settings by adult volunteers.
The delinquent child may be taken into custody by a law enforcement officer with probable cause that the child
Committed a delinquent act,
Is in need of services (CHINS), or
Is under order of the court.
Child Protection System[23]
Staffed by Caseworkers
Children Alleged to be in Need of Services (CHINS)
Physical Abuse
Bruises, cuts, welts
Skull fracture/brain damage
Wounds, punctures, bites
Asphyxiation, suffocation
Shaking/dislocations/sprains
Inappropriate discipline
Poisoning
Fractures
Internal injury
Burns/scalds
Drowning
Gunshot wounds
Sexual Abuse
Child molesting
Deviate sexual act
Child seduction
Incest
Exploitation
Rape
Neglect
Lack of supervision
Failure to thrive
Educational neglect
Close confinement
Lack of food/shelter/clothing
Environment is life/health endangering
Malnutrition
Medical neglect
Abandonment
Lock in/out
Poor hygiene
The child in need of services may be taken into custody by a probation officer or child protection caseworker with probable cause that the child is in need of services (CHINS).
While waiting for a court hearing, the CHINS child may
Remain with parent or guardian,
Be placed in a foster home or group home,
Be placed in a shelter care facility, or
Be placed with other relatives.

There appear to be two separate systems operating for delinquent vs. abused/neglected children; the specific system the child enters, however, is often more a product of age than offense. Younger children are more likely to be reported as abused or neglected, while adolescents are more likely to act out and be arrested. According to the National Institute of Justice, being abused or neglected as a child increases the likelihood of arrest as a juvenile by 53 percent, as an adult by 38 percent, and for a violent crime by 38 percent.[24]

Historically, the detention component of the system has been an area of grave concern. Youths often were held in adult jails in violation of federal law. Improvement has occurred by making detention alternatives available to delinquent youth, especially status offenders. In FY 1993, 374 runaway youth were held in alternative settings or on home detention, thus avoiding placement in jail or detention center and the increased risk this posed to safety and well-being.[25]

Intake **Detention**

Figure 1

The Juvenile Justice System in Indiana

The Juvenile Court

Staffed by Judges, Support Staff and Probation Officers

Legal Steps Required in Adjudication[26]

The Detention Hearing

If a child is held in custody, a ***detention hearing*** must be conducted within 48 hours for a child alleged to be delinquent and within 72 hours for a child alleged to be in need of services (CHINS) to determine where the child will remain while waiting for a court date.

Preliminary Inquiry or Preliminary Investigation

If the prosecutor believes a delinquent act has been committed, he/she will request the intake officer to begin a preliminary investigation to decide if the child's or public's interests require further action. The intake officer will investigate the child's home life and habits, explain the charges and the child's rights to the child and their parents, and file a report with the prosecutor with recommendations as to how to handle the case.

Filing of Petition

The prosecutor petitions the court to designate a child as delinquent; the prosecutor or the attorney for the county Division of Family and Children petitions the court to designate a child as CHINS.

Initial Hearing

The court informs the child and their parents of the allegations, the child's rights, and dispositional choices. It appoints counsel for delinquent children, if desired. If the child admits to the offense, the dispositional hearing occurs. If not, a fact-finding hearing must be conducted. For CHINS children, the court may appoint a guardian ad litem (GAL) or court-appointed special advocate (CASA), or both.

Fact-Finding Hearing

The court determines whether a child is a delinquent or a CHINS. If determined as such, the court enters a judgment and orders a predispositional report. If not, the child is discharged, and the case records are destroyed.

Dispositional Hearing

The court determines the care, treatment, and rehabilitation plan for the child. It enters a decree that specifies what the child is required to do.

Review and Modification

Once in the system, formal hearings must take place after six months for CHINS children and after 12 months for delinquent children to review the status of the child's needs. All cases must be reviewed again after 18 months. If the dispositional plan objectives have been met, the child is discharged and the process terminates.

Dispositional Options

Department of Correction Facilities

Treatment or Residential Facilities

Detention Facilities

Home Detention

Probation Supervision

Remand to Adult Court

Released to Parents

Case Dismissed

During the adjudication process, the child is officially designated a delinquent or CHINS child and made a ward of the state. The juvenile court judge has extensive power in the role of *parens patriae*, or *state as parent*. Since the motivation of the court is to "help" the children, many of the due process rights traditionally afforded to adults, such as bail and jury trials, do not exist for children.

Adjudication

During the dispositional hearing, the juvenile court judge decides where the child will go for care, treatment, or rehabilitation. Dispositional choices include a variety of options not traditionally viewed as correctional facilities. Often, CHINS children and delinquent children end up being placed in the same facilities.

Disposition

Source: *Kids, Crime, and Court: The Juvenile Justice System in Indiana,* Doreen Smith, 1994.

While many juveniles who come before the court do so because of behavior which is criminal if committed by an adult, the historic philosophy of Indiana's juvenile court, like that of most other states, has been based on civil, rather that criminal law concepts. This results in juveniles being treated differently, in some respects, than adults in the system. For an adult to be convicted of a crime, the evidence must prove guilt beyond a reasonable doubt. This is called the standard of proof. For juveniles the standard of proof is the same, that is, the burden of proof to be adjudicated as a delinquent is also beyond a reasonable doubt. Conversely, juveniles are not allowed bail or jury trials, both of which are provided to adult defendants.

III. Facing the Issues in the Juvenile Justice System

Indiana's juvenile justice system has been fraught with problems. The following discussion attempts to identify the more serious challenges facing the state's juvenile justice system.

Problems with reliable data

Any attempt to determine just how serious the problem of juvenile crime and delinquency is should necessarily begin by examining the data related to these issues. However, examining the data is much easier said than done. Finding accurate and consistent data regarding the number of Hoosier youth who are touched by violence or crime, brought into court to stand before a judge, or otherwise brought into the juvenile justice system is at best an exercise in frustration. At every point along the continuum there are problems with data collection. Problems include:

- a scarcity of descriptive data,
- serious accuracy problems with the data that do exist,
- delays in having the data available or ready for release, or
- any combination of these factors.

Discrepancies also exist in conclusions reached by the various studies available. The end result is uncertainty over the extent and the magnitude of the problem.

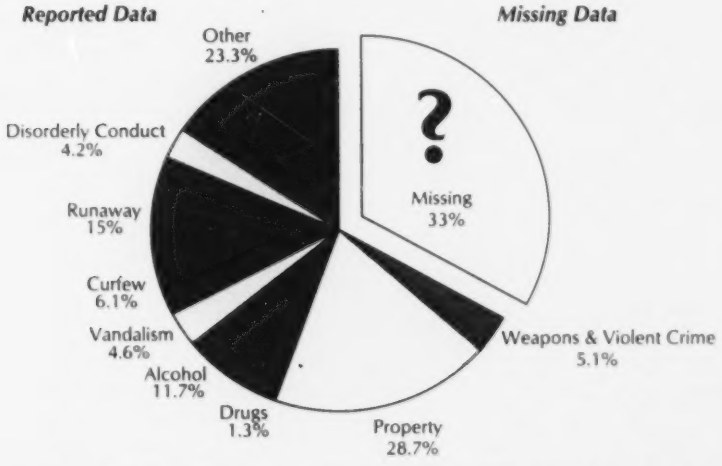
One of the better summaries of the numbers of Hoosier youth committing offenses and being arrested appears to be the Uniform Crime Report data reported to the Federal Bureau of Investigation (FBI). The FBI compiles the statistical crime data collected by local and state law enforcement agencies throughout the U.S. As discussed at length in *Kids, Crime, and Court: The Juvenile Justice System in Indiana*, many problems exist with these data, including:

- Because reporting is voluntary, many law enforcement agencies do not report at all, or they report data for only part of the year. Therefore, the number of arrests made is actually higher than the numbers reported in the Uniform Crime Report.

- Numbers do not represent the number of *individuals* arrested; only the number of offenses for which an individual was arrested. It is impossible to determine from the statistics how many arrests are made of repeat offenders.
- The report records only the most serious crime for which a juvenile was arrested.
- There may be variations in the way individual jurisdictions report and define crimes other than violent crimes and property crimes.
- The data represent arrests only. We do not know how many crimes were committed for which no arrests were made.
- These data represent arrests only, not convictions.
- In 1991, of Indiana's 243 police jurisdictions, only 108 jurisdictions (representing 58 percent of the population) reported crime data for the entire year and 94 jurisdictions did not report any data at all.

Based on an analysis of the reporting jurisdictions and their respective populations, the following estimate is made of the nature of juvenile crime in Indiana (see Figure 2).

Figure 2: Uniform Crime Report (UCR) Data, 1991.



Source: Indiana Youth Institute analysis of juvenile arrest data, FBI Uniform Crime Report, 1991.

What is not clear from these data is whether juvenile crime in Indiana is increasing, decreasing, or remaining the same. Indiana is one of only eight states that do not have statewide systems for reporting and analyzing crime data. Therefore, the only source for statewide data on juveniles is the Uniform Crime Report. According to these data, the Hoosier violent crime arrest rate for youth ages 10 to 17 years worsened 92 percent from 1985 to 1991.[27] What is not known about this figure is the volume of data missing and whether data from the same sources were missing from year to year. Despite the data limitations, the data are frequently interpreted to indicate that juvenile violent crime is increasing in number and intensity.

In addition to the underreports of *juvenile arrests*, it appears that Indiana (and the nation) is also experiencing underreporting of *all crimes*. According to the *National Crime Victimization Survey*, in 1992:[28]

- nearly two-thirds of the crimes included in the survey were not reported to police,
- only half of all violent crime was reported because victims considered the crime a personal or private matter, and
- far more than half of all property crimes went unreported because the stolen item was recovered, the thief was unsuccessful, or the item was uninsured.

When polled by *The Indianapolis Star*, 30 percent of the Hoosiers who indicated that they had been victims of crime in the past year did not report the crime to police.[29]

The National Council on Crime and Delinquency, however, reports that juvenile crime is pretty much stable or going down. They indicate:[30]

- Justice Department statistics show that the nation's overall violent and nonviolent crime victimization rates have actually fallen over the last 20 years.
- The vast majority (94 percent) of young people who are arrested in the U.S. are arrested for property crimes and other less serious offenses. Arrests for property offenses, particularly burglary and larceny, represented 85 percent of all arrests of juveniles for serious crimes in 1992.
- In 1982, 17.2 percent of all arrests for violent crimes were of juveniles. By 1992, the proportion had increased by less than half of one percent to 17.5 percent.
- Between 1982 and 1992, the proportion of the youth population in America arrested for violent crimes increased from .3 percent to .5 percent.
- Due to the proclivity of juveniles to commit crimes in groups, arrest statistics considerably overstate the true level of violent criminal behavior attributable to juveniles. The proportion of violent crime attributable to juveniles as measured by the number of crimes cleared by law enforcement is actually lower than the proportion of youth in the U.S. population.

These statistics indicate for the nation as a whole that juvenile crime, especially violent crime, hasn't really changed much. Determining the true picture in Indiana, however, is practically impossible. Until statewide data collection on juvenile crime, violence, and delinquency becomes a priority, our policymaking and programming activities will continue to be made based on incomplete and inaccurate data.

Problems with detention

Problems in the process of detaining youth while awaiting court action have long been a concern in Indiana. In 1988, more than 7,000 Hoosier juveniles were being held in adult jails in violation of federal law. These violations cost Indiana $1 million in federal funds withheld.[31] However, of all problem areas discussed thus far, this area shows the most improvement.

A youth faces detention when ordered to be brought into custody either because an offense has been committed; the youth is felt to be in danger of abuse, neglect, exploitation, or endangerment; or because the court has issued an order to bring the youth into custody for another reason. The order may originate with a law enforcement officer with probable cause for the commission of a delinquent act, probable cause of a CHINS situation, or under order of the court. The youth may also be taken into custody by a probation officer or caseworker with probable cause of CHINS. At this time, he/she may either be released to his/her parent, guardian, or other custodian; or he/she may be placed in shelter care or detention.

If the decision is made to hold the youth in custody, a *detention hearing* must be conducted within 48 hours for an alleged delinquent and within 72 hours for an alleged CHINS. However, if the juvenile is taken into custody on a Friday, Saturday, Sunday, or holiday, the time before the detention hearing is conducted may be longer. During the detention hearing a juvenile may either be released to a parent, guardian or custodian or receive a court order of detention which requires him/her to remain in the detention facility.

Detention facilities in the juvenile justice system have also been under stress. Until recently, Indiana had only 10 secure detention centers to serve the entire state. None of these was south of U.S. 40. This factor contributed to increased use of adult jails and lockups for juvenile detention. Indiana has faced federal lawsuits as a result of three juvenile suicides among juveniles inappropriately held.

Congress called for correction of this type of abuse of juvenile detention through the federal Juvenile Justice and Delinquency Prevention Act of 1974. This Act (including 1980 amendments) mandates:

1) The deinstitutionalization of status offenders who may not be held in secure detention for more than 24 hours (excluding holidays and weekends).

2) That juveniles housed in jails or lockups be kept in an area where they cannot see or hear adults.

3) That status offenders may not be held in adult jail for any length of time, and that criminal offenders may be held there for up to six hours only.

These mandates do not apply to juveniles who have been waived to adult court.

Indiana's practice of detaining juveniles in adult jails has declined significantly in recent years. Creative solutions have been devised for protecting juveniles until appropriate placement options can be found and an increased number of juvenile detention centers have become available. In calendar year 1988, there were 7,372 jail removal violations statewide. The state is now in compliance with the Juvenile Justice and Delinquency Prevention Act.

Concerns about juvenile detention now relate to whether or not the new facilities are being overused simply because increased capacity is available. Many of the new facilities are expensive and rely on neighboring counties to use some of their beds at a charge to the sending counties. Some advocates argue that youth who previously would have been released to parents are now being detained because beds are available. The extent of this issue is being examined by the Indiana Criminal Justice Institute.

Jurisdiction: Which court has it?

Another troubling problem facing juveniles in Indiana's juvenile justice system is the myriad of different courts they may be involved in simultaneously, and the different directives these courts may be issuing to them and their families. Much concern is derived from the lack of consistency in juvenile court systems from county to county. Indiana's juvenile justice system is at once 92 separate systems, each unique, all well steeped in the state's long cherished tradition of local autonomy, control, and "home rule." Each of the 92 county court systems is separately created and defined in statute, with no uniformity in how specific types of court cases are to be administered. *There is no specifically created juvenile court in Indiana, but rather a series of circuit courts, county courts, probate courts, and superior courts—any or all of which may have juvenile case jurisdiction, depending upon how it is defined in statute or how the caseload has been divided up informally in the respective county.* Therefore, in order to know in which court a juvenile petition may be filed, one would need to inquire from the county clerk of the specific county to see which court would handle the petition.

Jurisdiction assigned to juvenile court

According to the Juvenile Code and Youth Gang Study Commission, the juvenile court has the following jurisdiction:[32]

> Currently the juvenile court has exclusive jurisdiction over delinquency and children in need of services proceedings, paternity actions, questions regarding pre-adjudication detention, and parental or guardian participation in a child's court-ordered program of care, treatment, or rehabilitation. The juvenile court also has concurrent original jurisdiction with adult criminal and probate courts in certain cases that involve adults committing acts against children, interference with custody, and proceedings to terminate parental rights. The juvenile court judge presides over cases of children under eighteen years of age and continues to have jurisdiction over those adjudicated delinquent or children in need of services, and over the child's parent, guardian, or

custodian, in some instances, until the child reaches age 21, or guardianship is awarded to the Department of Correction.

As noted, the administration of juvenile justice in Indiana occurs through the function of the specific court that is assigned juvenile jurisdiction in each county. The overall complexity of Hoosier courts and potential variations from county to county are depicted in Figure 3.

Traditionally, Indiana's trial court system has been organized on a county basis by legislation that enables establishing of courts in specific counties. All counties have circuit courts. In addition, some counties may have superior courts, county courts or both, probate and/or municipal courts. Marion County (which has no county courts) is the only county with municipal courts and distinct small claims courts.

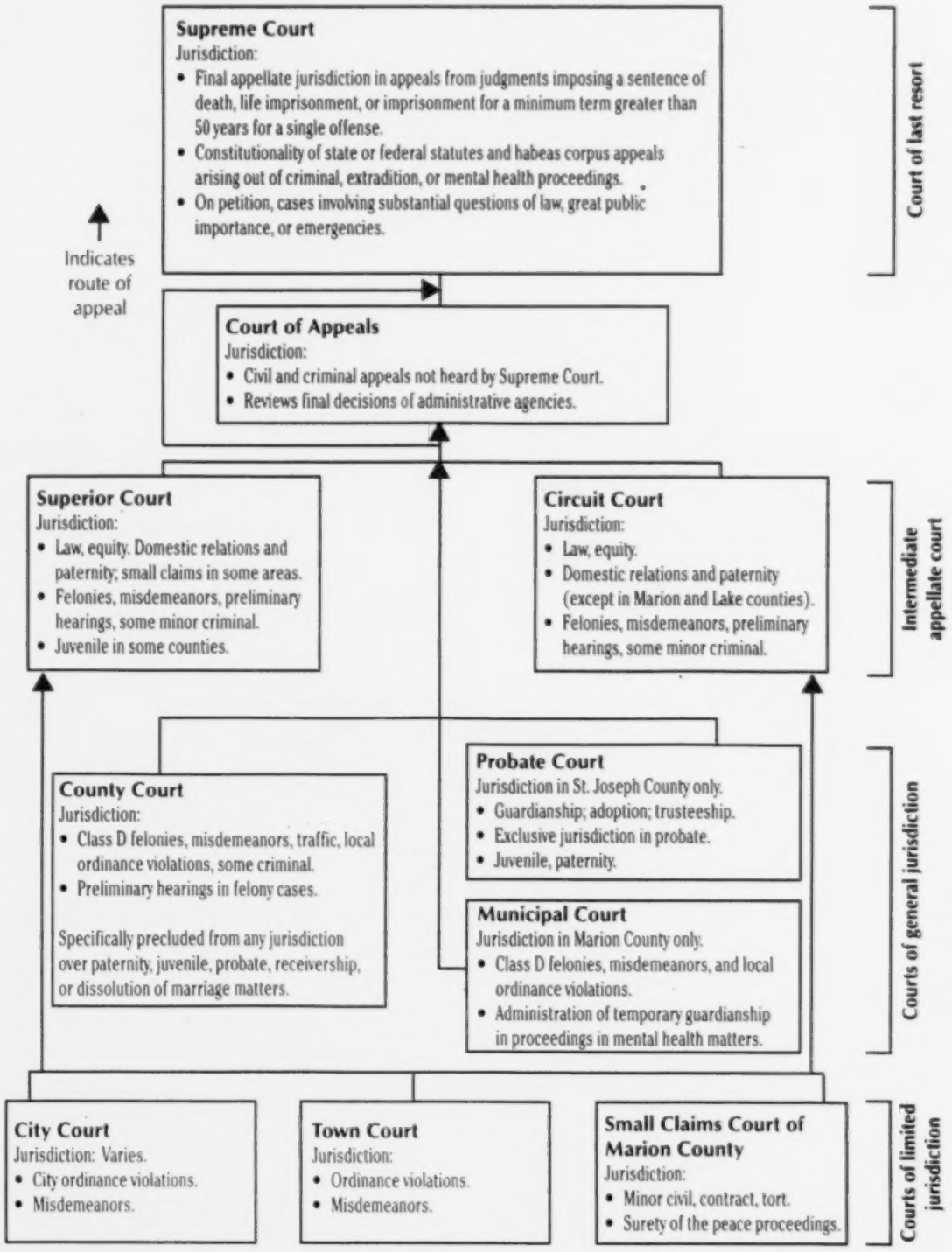
Other problems exist as a result of the independent nature of Indiana's court systems. For example, there is no intrastate-state compact which specifies which court ultimately has jurisdiction when a juvenile is concurrently involved in two or more courts in two or more separate counties. This is not uncommon in divorce situations, for example, where custody of a juvenile has been awarded to one parent, who then moves out of the county with the child. The father, perhaps upset by the terms of the divorce, has concerns about the adequacy of his children's care and reports those concerns to the local child protection service in the mother's new county of residence. If the caseworker (in the mother's county of residence), upon investigation, substantiates the report and recommends that the children be placed with the father, the end result is two courts in two counties with conflicting recommendations and no definitive way to resolve the dispute. If the courts were in the same county, the court with juvenile jurisdiction would take precedence over the court handling the divorce, and the parent and child would not be caught between conflicting court directives.

The traffic offense of driving under the influence of alcohol provides another example of a problematic area in the juvenile code. The first drunk driving offense is a misdemeanor and, regardless of the age of the driver, is handled in the *adult* traffic court. This offense is specifically excluded from juvenile court jurisdiction. However, suppose the driver is 16 years of age and commits another drunk driving offense. The second drunk driving offense becomes a class D felony, resulting in the 16-year-old driver being charged with a criminal delinquent act that places him in the jurisdiction of the *juvenile* court. In this example, the increase in frequency of the driver's offenses lands him or her in a less punitive court setting.

Multiple family problems lead to multiple courts

The juvenile justice system is often the end stage of all child-serving systems and frequently receives juveniles who have not succeeded in many other systems. Troubled youth often have multiple problems resulting from troubled families. The number of different courts in which an individual youth may simultaneously be involved could multiply if his/her family is:

Figure 3: Indiana Court System—A Maze of Overlapping Jurisdictions*


Supreme Court
Jurisdiction:
• Final appellate jurisdiction in appeals from judgments imposing a sentence of death, life imprisonment, or imprisonment for a minimum term greater than 50 years for a single offense.
• Constitutionality of state or federal statutes and habeas corpus appeals arising out of criminal, extradition, or mental health proceedings.
• On petition, cases involving substantial questions of law, great public importance, or emergencies.
Court of last resort
Indicates route of appeal
Court of Appeals
Jurisdiction:
• Civil and criminal appeals not heard by Supreme Court.
• Reviews final decisions of administrative agencies.
Superior Court
Jurisdiction:
• Law, equity. Domestic relations and paternity; small claims in some areas.
• Felonies, misdemeanors, preliminary hearings, some minor criminal.
• Juvenile in some counties.
Circuit Court
Jurisdiction:
• Law, equity.
• Domestic relations and paternity (except in Marion and Lake counties).
• Felonies, misdemeanors, preliminary hearings, some minor criminal.
Intermediate appellate court
County Court
Jurisdiction:
• Class D felonies, misdemeanors, traffic, local ordinance violations, some criminal.
• Preliminary hearings in felony cases.
Specifically precluded from any jurisdiction over paternity, juvenile, probate, receivership, or dissolution of marriage matters.
Probate Court
Jurisdiction in St. Joseph County only.
• Guardianship; adoption; trusteeship.
• Exclusive jurisdiction in probate.
• Juvenile, paternity.
Municipal Court
Jurisdiction in Marion County only.
• Class D felonies, misdemeanors, and local ordinance violations.
• Administration of temporary guardianship in proceedings in mental health matters.
Courts of general jurisdiction
City Court
Jurisdiction: Varies.
• City ordinance violations.
• Misdemeanors.
Town Court
Jurisdiction:
• Ordinance violations.
• Misdemeanors.
Small Claims Court of Marion County
Jurisdiction:
• Minor civil, contract, tort.
• Surety of the peace proceedings.
Courts of limited jurisdiction

Source: *1993 Indiana Judicial Report*, Supreme Court of Indiana, Division of State Court Administration.

*Not all court functions have been listed.

1) going through a divorce with custody and child support issues being contested,

2) involved in child welfare proceedings as a result of a report of abuse or neglect,

3) has at least one adolescent member who may be facing charges of delinquency due to truancy, incorrigibility, or criminal offenses,

4) has a drug or alcohol use or abuse problem that has resulted in a driving under the influence charge,

5) facing issues of domestic violence,

6) moves frequently because of limited resources, especially across county lines,

7) has an adolescent male child that is facing paternity issues of his own, and

8) has at least one adolescent child who is considering emancipation.

Juvenile court, divorce court, criminal court, or traffic court, or all four simultaneously? The above example may seem highly unlikely, but actually it is all too common in the types of cases coming before judges in Indiana's court system.

Definition: A jurisdictional shell game

A key concern underlying all aspects of the juvenile justice system is the label that the youth receives and whether or not this label appropriately designates his/her situation. For example, given the common ground of the child welfare and correction systems, when are children *in need of services* and when are they more appropriately defined as *delinquent* children?

Status offenders

Labels matter. Labels determine what services a youngster receives and how those services are paid for. " Status offender," for example, is a label used to categorize a young person who has done something (running away from home, for instance) that is classified as an "offense" only because the child has not reached the legal age of emancipation. For these youngsters the system overlaps. They do not fit neatly into the category of children who have been abused or neglected—for whom the need for child protection is clear. Neither do they fit neatly into the category of children who have clearly committed a criminal act—for whom correction or rehabilitation is the goal of intervention.

Status offenders have committed acts that are labeled "illegal" only by virtue of the youngster's age. Labeling them as delinquent offenders lumps them with other delinquents who have committed more serious offenses which would also be criminal if committed by an adult. Many county systems feel strongly that status offenders should be added or amended to the CHINS definition and thus managed as children in need of services. Those within the juvenile correctional system generally agree as well that their facilities are inappropriate for status-offending youth.

However, treating status-offending youth as CHINS children adds to the caseload of the local child-welfare system. It also changes the agency ultimately responsible for supervising the children and for paying for their residential care and treatment. Consequently, a juvenile offender's case often gets bounced from the juvenile court and probation office and the juvenile court and local Division of Family and Children office before ultimate jurisdictional responsibility is determined.

Waiver to adult court

A second important issue must be resolved: At what age or under what circumstances is a child's behavior no longer childlike but warrants the full sanctions and penalties of the adult system? With an increasing number of very young, seriously troubled and violent young people, opinions readily diverge on this issue. Generally, the standard for waiver to the adult system is applied when it is believed that resources at the community level for juveniles have been exhausted. The Juvenile Code and Youth Gang Study Commission summarizes the waiver issue as follows:[33]

> The waiver statute allows a prosecutor to petition the juvenile court for a hearing to determine if a child should be waived into the adult system because the child allegedly has committed either a heinous or aggravated act or has engaged in chronic, though less serious behavior. Waiver may occur if the child is at least fourteen years old, is deemed beyond rehabilitation of the juvenile justice system who allegedly has committed either a heinous or aggravated act or has engaged in chronic, though less serious behavior, and public safety requires lengthier and more punitive sanctions than may be available within the system. In the case of sixteen and seventeen year old youths who are charged with the commission of acts that would be Class A or B felonies, the presumption favors waiver, unless it can be shown that both the child and community would be better served by keeping the case in the juvenile justice system.

It is important to distinguish *waiver* from *jurisdiction*. The decision to "waive" a youth to the adult system is defined as above. However, for a series of violent offenses, juveniles ages 16 years or older *automatically* will be tried in an adult court. This is not an issue of waiver but an issue of jurisdiction, that is, the adult court is where the youth will face his or her charges. Again, the summary from the Juvenile Code and Youth Gang Study Commission is helpful in clarifying this issue:[34]

> Currently juveniles who are 16 years of age or older will be charged in adult criminal court, and will face the same penalties as adult offenders, if they are accused of committing any of the following offenses:
>
> - Murder
> - Kidnapping
> - Rape

- Robbery while armed with a deadly weapon or resulting in bodily injury
- Carjacking
- Criminal gang activity
- Criminal gang intimidation
- Carrying a handgun without a license[35]
- Carrying handguns[36]
- Dealing in a sawed-off shotgun[37]
- Any offense joined with the above list

An issue related to the waiver definition is the question of how long the waiver to adult court should last for a particular youth. At this time, if the youth (aged 16 years or older) has been waived to adult court, tried and convicted, then any following offense that occurs within one year of the first will automatically be charged in adult court. What is problematic about this provision is that it makes it possible for juvenile offenders to be tried in adult court and then be back in juvenile court 13 or more months later, for a lesser offense which, if it had been committed earlier, would have been an adult offense.

Who pays the bill?

The funding streams available to pay for the care of troubled children are multiple and complex. As most children ultimately adjudicated as delinquent could just as readily be adjudicated as children in need of services (CHINS), the decision as to which system shall supervise and pay for the child's care is often driven by factors such as available funding streams, cost, current bed availability, and the predisposition of the juvenile court judge involved (some have facilities that they favor and use often). The particular needs of the individual child can be lost in the process.

Each county counts its CHINS, probation, and delinquent children differently. A survey of all 92 county juvenile judicial systems would provide an inconsistent tally of how these children are processed and supervised. Four major patterns of care for these youths emerge; three of them involve the juvenile court.

1) Local welfare departments place their own children as well as probation's children, and pay for their services.

2) Courts place and pay for services out of the court's budget.

3) The probation department or court places the children and the local welfare department pays for services. These children are often referred to as "wards for payment purposes only".

4) Some children are placed through a special education process (currently called article 7—previously referred to as Rule S-5) , which eliminates the welfare and juvenile court planning and financial involvement.

Who picks up how much of these residential or other care costs is often determined by which system door the child enters or is pushed through. The following example attempts to clarify the funding responsibility issue.

1) If the child comes through the child welfare door, is designated a CHINS, and placed in a residential facility, the costs are born in whole or part by the local ***county*** Division of Family and Children. The ***county*** Division of Family and Children would pay for all costs at the outset and then file for reimbursement from the ***state*** Division of Family and Children for those children eligible for federal Title IV-E reimbursement.[38]

2) If the child is adjudicated as a delinquent and placed in a residential facility through court decision but supervised by the probation function of the court, the costs may be paid by county general funds through the juvenile court's budget.

3) If the child is adjudicated as a delinquent and placed in a residential facility through court decision but supervised by the probation function of the court, the costs may also be paid by local county welfare funds through the local county Division of Family and Children's budget, if so ordered by the court. These children are referred to as "Wards for Payment Purposes Only".

At times, limited resources may drive placement decisions. In these cases, youth may not be placed in the most appropriate facility if a cheaper bed is readily available. For example, the *per diem* for a residential care facility may run as high as $635 (a Minnesota facility used for Indiana children) in contrast to the (1993) *per diem* at the Girls' School ($84.82) or the *per diem* for the Boys' School ($74.94). Further, the sending county is responsible for paying only one-half of the *per diem* cost of a Department of Correction facility, and several counties don't pay that. Figures 4a and 4b, page 22 lists those Indiana counties that are delinquent on their maintenance payments as of fall, 1994.

It is disconcerting to think that young people in need of services or support, such as mental health treatment or educational services, are being placed in a medium-maximum security facility, such as the Indiana Boys' School, on the sheer basis of cost rather than their presenting needs. Nevertheless, when public officials are facing elections and/or severely strained county budgets, these issues become the real concerns and motivate the real choices that are made.

Inadequate resources

Other severe challenges facing the juvenile justice system are the inadequate resources available to address the needs of the youth before they enter the system, while they are in the system, and after they have left the system. Costs include incarceration in a juvenile facility, out-of-home placement in foster or group care, mental health services, aftercare, and preparation for independent living. This lack of resources in not new to any component in the system and is repeatedly identified by advocates and analysts during testimony at legislative and administrative hearings. The Legislative Service Agency (LSA) underscored this point in its report *Children With Special Needs and Local Service Delivery, October 1991*.[39]

> Indiana finds itself in a "Catch 22" situation, because it does not have the resources to develop and provide the less restrictive, community-based services, yet failing to develop and provide these services results in overuse of overly restrictive, costly placements. As a result, available resources are used too quickly. Services become more reactive and only the most serious of cases are prioritized for action.

The problem with inadequate resources is not limited to services available to treat troubled youngsters but extends into the staffing that supports these facilities. Insufficient numbers of adequately trained staff further stress an already overburdened system. Caseloads swell to 3 to 4 times the recommended number, further ensuring a cursory treatment by the staff assigned to provide supervision. High caseloads often result in high turnover rates for staff, compounding the problem. This is true for both child welfare casework staff and probation staff, the two primary types of staff directly responsible for supervision of children in the system. Estimates prepared by the Legislative Services Agency in 1993 found a total of 470 child welfare caseworkers on the job. This number included 214 child-protection service (CPS) workers available to investigate reports of abuse and neglect and 256 children's-services (CS) caseworkers responsible for the ongoing supervision of children who are wards of the state.[40] Many of these workers had caseloads of 60 or more families or children—far in excess of the Child Welfare League of America's standards of no more than 12 families under investigation per CPS worker and 17 children receiving supervision per CS worker.[41]

Figure 4a: Counties Delinquent in Maintenance Payments to Indiana Boys' School as of October 11, 1994

Allen*		12/31/93	$ 529,246.61
Delaware	prior to	6/30/89	17,466.78
Elkhart	prior to	12/31/93	177,741.32
Floyd*	prior to	6/30/89	48,523.24
Franklin		6/30/93	28,296.36
Grant	prior to	6/30/87	108,534.53
Greene		12/31/92	56,406.86
Jackson	prior to	12/31/93	16,441.90
Madison*	prior to	6/30/91	741,275.41
Marion		12/31/93	1,615,724.60
Miami*	prior to	6/30/89	46,089.57
Porter*	prior to	6/30/89	335,670.93
St. Joseph		6/30/89	456,540.23
Switzerland	prior to	12/31/92	16,878.77
TOTAL			$4,194,837.11

*These counties remain six months to a year behind in payment because of the budget process in their counties.

Source: Indiana Department of Correction, Telefaxsimile dated November 23, 1994.

In a consent decree entered in 1992, Marion county agreed to reduce to 25 the number of new cases of alleged abuse and neglect that could be assigned to a child-protection worker. The decree also reduced to 35 the number of children that could be assigned to a children's-services worker for ongoing supervision at any given time. The Division of Family and Children is working toward meeting these standards in every county in Indiana. By December 1994, the number of child welfare caseworkers had grown to 624.[42]

Testimony presented to the Interim Study Committee on Correction Issues (a

special legislative study committee) this year indicated that juvenile probation officers generally have caseloads that are too high to allow them to monitor effectively the juveniles to whom they are assigned.[43] In July 1994, the Indiana Judicial Center conducted a survey of probation officer workloads. One hundred and eighteen of Indiana's 144 probation departments responded to the survey —a response rate of 81.9 percent.[44] The survey found that in order to meet the recommended classification standards in the reporting counties, an additional 389.6 probation officers (an increase of 61.5 percent) would have to be hired.[45] This figure includes officers for both juveniles and adults. It is impossible to determine how many officers would be needed to supervise juveniles exclusively, as many probation officers carry mixed caseloads. Testimony before the Interim Study Committee further pointed out that no checks and balances system exists for probation officers since there are no controls on excessive caseloads.[46] During the same Interim Study Committee meeting, a representative from the Unity Team (one of the unions representing state employees) also raised the issue of excessive overtime required of custodial staff working at the Boys' School.[47]

Figure 4b: Counties Delinquent in Maintenance Payments to Indiana Girls' School as of September 9, 1994

Allen*	$ 204,723
Clay	4,495
Dearborn	(3,526)
Delaware	35,991
Elkhart	1,462
Franklin	16,942
Grant	15,284
Greene	3,483
Jackson	12,278
Lake	27,348
Lawrence	8,858
Madison*	395,760
Marion	920,458
Orange	20,898
Porter*	170,592
Putnam	8,084
Starke	21,182
Switzerland	5,089
Vanderburg	38,614
Vigo	(28,798)
TOTAL	$1,879,217

*These counties remain six months to a year behind in payment because of the budget process in their counties.

Source: Indiana Department of Correction, Telefaxsimile dated November 23, 1994.

More recent information about current financial needs or resource limitations within the system are not readily available. However, testimony before the Juvenile Code and Youth Gang Study Commission (a Commission created by the Governor in 1992 to address problems inherent within the juvenile code and juvenile justice system) suggests that little has changed in the last four years. The following statements are taken from testimony presented before this Commission:

> The state of Indiana has spent more money for barbed wire and fencing for the Indiana Boys' School this year than the total amount invested in prevention services through the Youth Service Bureaus statewide for the entire year.
>
> James Killen, Director Indiana Youth Services Association

> The big question is: "Who is going to fund the programs recommended by your report?"
>
> Lynn Ness, Director, Cass county Family Support Center

> We know programs that work, but it all gets down to the bottom line of funding. How do we get more funding to support these programs that work?
>
> Jan Lindemann, Lobbyist for the Indiana Coalition for Human Services

Commission response to these concerns indicated a desire to restructure services within current resource limitations. Without a significant increase in the amount invested in those systems that support youth, it is doubtful that reform efforts will produce a significant change in the system or improved outcomes for the young people served by the system. Given the testimony presented to the Commission, it is unclear if Indiana's juvenile justice system is really ineffective or whether it has never been adequately funded and staffed to work properly.

Out-of-home placement: Overcrowding and inappropriate placement

The state of Indiana has long struggled with the issue of appropriate placement of children needing care, services, or treatment outside of their homes. Generally children need residential care outside their homes for one of four reasons:

1) The children's parents have abandoned, neglected, or abused them.

2) The children have emotional problems requiring treatment in hospitals or residential care facilities.

3) The children have special educational needs that cannot be met in their local school corporation even with special support services. Their needs often require special residential schools, state hospitals, or residential care facilities.

4) The children's behavior requires control or modification that is not possible in their home and/or school settings. Addressing the needs of these children often requires placement in a highly structured residential-care facility or perhaps a juvenile-correctional facility such as Boys or Girls' School.

The menu of available choices for children needing supportive services (in or out of their homes, including residential care) is referred to as the *continuum of care*. Placement options vary from less restrictive to more restrictive, depending on the child's specific needs. A summary of the basic options is provided in Box 1.

The state has often resorted to the use of out-of-state facilities to provide hospital and residential-institutional care. This arrangement often further stresses families, straining already fragile bonds among family members. Long absences greatly increase the difficulty of successful reunification when the child is ready to return home. Stresses within the child-serving systems often result in inappropriate placements. The Legislative Service Agency found that:[48]

> Children are often inappropriately placed or sent out of state primarily due to an inadequate supply of services, excessive demand, and insuffi-

Box 1

Continuum-of-Care Options for Children and Youth

Home Services: *Services available to every child.* Family living is part of the normal routine. Education and medical services allow children to live at home and be educated in a local school. Additional support may include intensive family counseling where a therapist teaches parents to deal with behavior problems. Monitoring progress and teaching parenting skills are also included.

Family Preservation: *Services to a family to maintain a child's safety at home.* Special educational services, including early intervention and reunification following removal (basic to intensive mental health services) can be brought into play to assist in maintaining the family. Parent education, family counseling, homemaker and similar services may also be included.

Emancipation Services: *Services provided to older adolescents able to live independently with some support.* Support services are arranged in the most appropriate manner possible, based on each person's unique situation. Services may include social security payments, food stamps, and housing assistance for sustenance; mental health services for guidance and direction; job readiness; training in independent-living skills, and support groups.

Out-of-Home Placements: *Care in traditional child welfare settings such as foster and group homes.* An adjudicated delinquent or CHINS (child in need of services) is placed in a group or foster home; other services are provided by order of the court. Care is community based in small settings that are integrated into residential neighborhoods. Children generally attend public schools.

Therapeutic Foster Care: *Supervised group living with intensive mental health services for the child.* Additional case management is provided by licensed child placement agencies or providers of mental health, or developmental disabilities services.

Residential Treatment Centers: *Institutional facilities.* While they may be located in the child's home community, they are not located in residential neighborhoods. Built specifically to house more than 10 children, treatment centers are on a campus dedicated to child care or mental health services. Many treatment centers involve on-site education; lengths of stay are therefore often dictated by the school year.

Hospital-Based Care: *Intensive, expensive services directed at specific problems.* The medical orientation of a hospital setting implies psychotropic medication, home-based education or a complete withdrawal from education, and a stay of fewer than 30 days. The length of stay and treatment regime is often insurance driven.

Institutional-Based Care: *Services provided on a regional or statewide basis.* Institutional stays are long term (school-year minimum or until the child reaches majority age) and provide a specific kind of care not available at other settings. That care may be for a specialized disability or group of disabilities, or it may be simply meeting a need for security.

Source: *Summary of Recommendations to Governor Evan Bayh for use of the Central State Hospital Property Site,* Indiana Family and Social Services Administration, August 30, 1994, pp. 4-5.

> cient resources. Out-of-home placements occur in several state systems, including child welfare, mental health, education, and juvenile justice. Regardless of which system children enter, they often have the same needs and characteristics; many children receive services from multiple agencies; and many children from different systems are placed in the same out-of-state facilities.

This observation about children's complex needs was confirmed by the Secretary of the Family and Social Services Administration in a recent report to the Governor:[49]

> Each child's care requires attention to room and board, supervision, medical care, mental health care, education, and socialization. Ideally, based on an individualized plan of care, each of these components are arranged to best meet the needs of the child's success.... Thus, viewing the services available for children as a continuum of care, rather than discrete groupings of unrelated services, accurately reflects the needs of children as they receive necessary treatment.... Children are placed in these services through school districts, county DFC offices, county probation offices, the Juvenile Court, and occasionally through the DDARS[50] Integrated Field Services or DMH funded Community Mental Health Centers. Planning for these children is addressed and coordinated through education case conferences, Local Coordinating Councils (LCCs), and local Step Ahead Councils.

A description of this process is provided below.

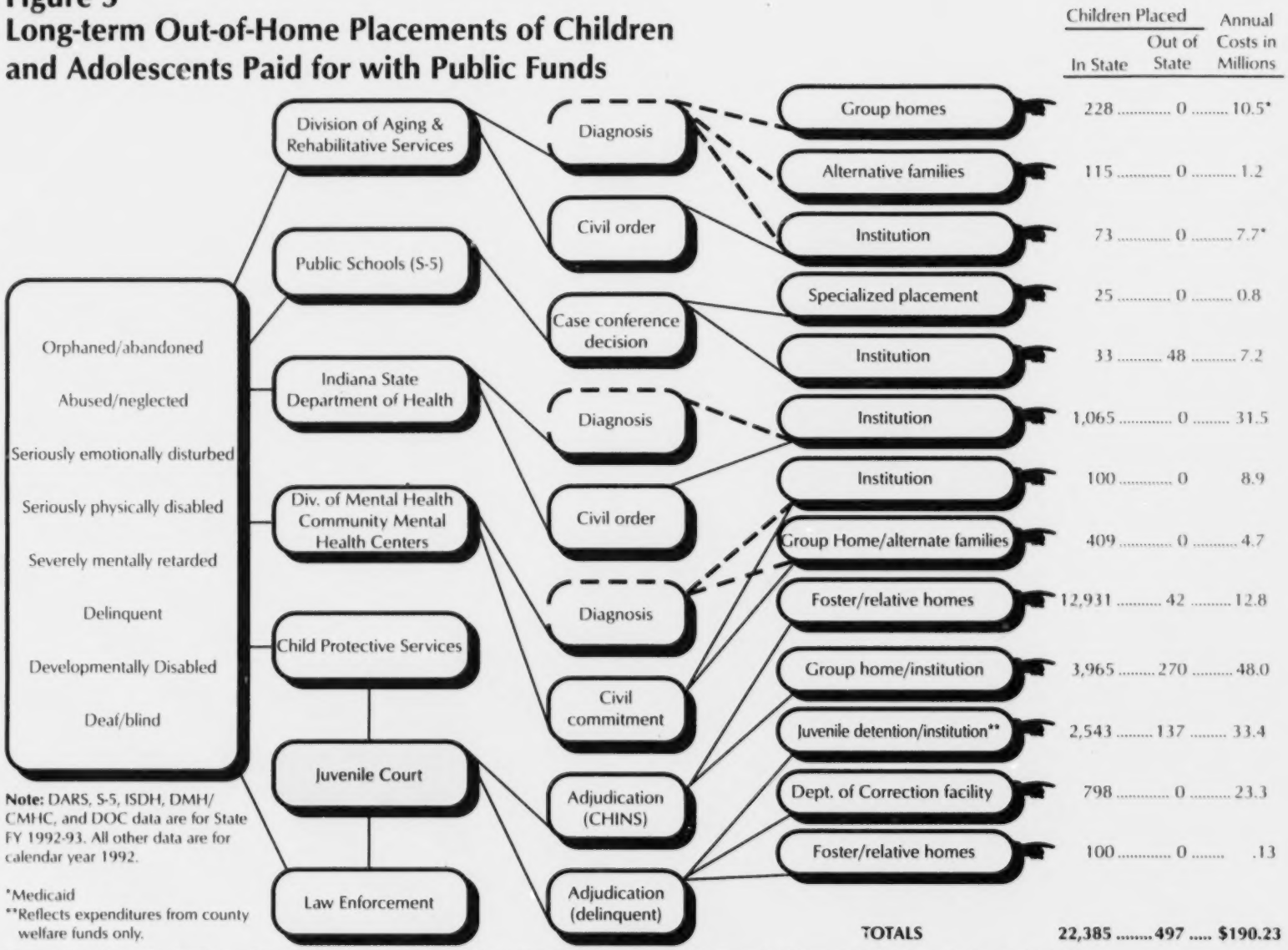
Placement process for youth needing residential care

Children may be placed in various out-of-home facilities in different ways by different social service systems for different reasons. To understand fully the problems in the juvenile justice system, it is crucial to understand the residential placement process, as this ultimately affects several components of the system. Children may be placed in out-of-home care by the child welfare system to provide for their care or protection as a result of the child's abuse, exploitation, abandonment, or neglect. Children may also be placed in a treatment facility by members of the mental health system as a result of emotional problems that require treatment. Out-of-home placement in the mental health system usually implies inpatient psychiatric care, either in a private facility or state-operated institution. Children who cannot function within special-education programs in local schools may be placed in public or private residential schools by the Department of Education. The juvenile court and/or probation system may place delinquent children in out-of-home facilities for their care, treatment, or rehabilitation. One of their choices may be a Department of Correction facility. A summary of this complex residential process, the costs incurred in 1992 and 1993, and the number of children involved is provided in Figure 5.

Specific shortages within Indiana's continuum of care

The difficulty with inappropriate placement, overcrowding, and overuse of out-of-state facilities within Indiana's continuum of care for children with special needs results

Figure 5
Long-term Out-of-Home Placements of Children and Adolescents Paid for with Public Funds



	Children Placed In State	Children Placed Out of State	Annual Costs in Millions
Group homes	228	0	10.5*
Alternative families	115	0	1.2
Institution	73	0	7.7*
Specialized placement	25	0	0.8
Institution	33	48	7.2
Institution	1,065	0	31.5
Institution	100	0	8.9
Group Home/alternate families	409	0	4.7
Foster/relative homes	12,931	42	12.8
Group home/institution	3,965	270	48.0
Juvenile detention/institution**	2,543	137	33.4
Dept. of Correction facility	798	0	23.3
Foster/relative homes	100	0	.13
TOTALS	**22,385**	**497**	**$190.23**

Note: DARS, S-5, ISDH, DMH/CMHC, and DOC data are for State FY 1992-93. All other data are for calendar year 1992.

*Medicaid
**Reflects expenditures from county welfare funds only.

Source: *Committee Meeting Proceedings, Indiana Governor's Special Committee on Welfare Property Tax Controls*, Chairman Frank Sullivan, Jr., August 20, 1993.

from a shortage of facilities that address specific needs. The Legislative Services Agency noted in 1991:[51]

> Indiana faces shortages in many areas, particularly with regard to treatment facilities for violent, adolescent males and for adolescent females, including those who are pregnant. There is also a shortage of facilities for very young (under age ten) severely disturbed or troubled children who need close supervision. Foster homes that will accept adolescents, large sibling groups, and pregnant or parenting teens with their infants are likewise in short supply.

The picture of the shortage of services has changed somewhat in the last three years. In reporting to the Governor regarding recommendations for the use of the Central State property, Cheryl Sullivan, Secretary of the Family and Social Services Administration, reached the following conclusions regarding four areas of unmet needs in services for children:[52]

1. Resources:

   a. A profile of the available services indicates that there is a shortage of less intrusive (home preservation) services and more intrusive (special needs) services, and an excess of moderately intrusive (foster care or group home) services.

   b. There is a need for coordinated services to provide in-home specialized care to children with multiple disabilities, behavioral problems, and/or clinical diagnoses.

   c. Intensive in-home services and/or coordination of existing services is lacking throughout Indiana.

   d. There is a need for long term (over 90 days) residential services for children with multiple disabilities, behavioral problems, and/or clinical diagnoses.

2. Training

   a. Caseworkers, case managers, and probation officers do not consistently have the needed expertise in assessing needs nor assessing appropriate placements for children.

   b. There is a need for adequately trained and staffed group-home options and foster-care options addressing special needs.

3. Gatekeeper:

   a. There is no centralized system which tracks provider accountability, registers consumer satisfaction, or results of care purchased.

   b. There is no centralized system which monitors available resources.

c. There is no centralized system which bundles demand for services together to take advantage of economies of scale.

4. Tools:

a. Evaluation, diagnostic, and intensive treatment services are high-cost services; lack of insurance coverage and minimal public funding make it impossible to meet the full need.

b. There is insufficient accountability to [ensure that] children are being provided with [treatment that is] the least intensive and the most cost-effective necessary to meet each child's needs. This problem is especially acute in out-of-state institutions where costs of treatment have been high.

c. No single evaluation and diagnostic process exists to provide comprehensive assessments of children regardless of where the children enter the system (i.e., judiciary, social services, education).

Given the wide diversity and inconsistency of placement practices, concerns about consistency in treatment for those youths caught up in the juvenile justice system are frequently raised.

Indiana Department of Correction under stress

It is important to understand that the Department of Correction (DOC) juvenile facilities are but one placement option on the continuum of care for children and may be used only for juvenile offenders. However, juvenile offenders are often placed in other facilities designed to provide treatment or rehabilitation services related to their specific needs.

As DOC is the designated state agency with responsibility for administering the juvenile correctional institutions, it is generally viewed as the end stage on the continuum of care in the juvenile justice system. Juveniles ages 12 through 17 may be committed. The Department has no control over those juveniles committed to its agency by county judges, but once a child is committed, DOC will determine the facility to which the juvenile will be assigned. DOC Deputy Commissioner for Juvenile Programs recently testified before the Interim Study Committee on Correction Issues:[53]

> The DOC has faced a problem with placing juvenile offenders in inappropriate settings because there are not enough community based facilities for children. In addition, DOC faced the problem of mixing several types of offenders in the same settings since some juveniles might be victimized by other more violent and aggressive offenders.

Given its inability to refuse youth assigned to its facilities and its low per diem rates compared with other residential choices, DOC has often had to bear the brunt of problems related to overcrowding in the system—too many children and too few resources. As the end stage in the system, in many ways the "buck stops" at the DOC.

As noted, DOC has also experienced problems related to the delivery of services to juvenile offenders. Much criticism has resulted from the numerous problems documented at the Indiana Boys' School, including severe overcrowding among the residents and long-standing physical disrepair of the facilities. Other issues often mentioned in testimony before committees and commissions include concern about the lack of treatment options for the youth housed in its institutions and the overall inadequacy of educational programming. Further issues routinely referred to include worry over the historical orientation toward punishment and the inappropriate use of harsh behavioral modification techniques or physical force. Concerns about the lack of community-based facilities and lack of aftercare for youth once discharged or paroled from the juvenile correctional institutions and returned home are also often mentioned in public meetings.

The Department of Correction has been under a federal consent decree to address the overcrowding issue at the Boys' School. According to testimony before the Interim Study Committee on Correction Issues in August, 1994:[54]

> DOC has agreed to reduce the population of the Boys' School from the current 421 students to 255 by the end of 1995. For the current year, the target population will be reduced to 400 by October 6th, to 365 by December 31st, and finally to 255 by the end of 1995. In 1995, the Boys' School will become a maximum security unit for violent offenders.

It is important to note that much progress has been made in recent years to improve conditions at all of the state's juvenile correctional facilities. These efforts are discussed in the Statewide Reform Efforts section of this report.

Addressing the needs of serious juvenile offenders

Addressing the needs of the violent juvenile offender is a particular challenge. Violent offenses committed by youthful offenders appear to fuel the greatest public outrage and fear because of the incongruence between their ages, the seriousness of their crimes, and (in some situations) their apparent lack of remorse or feeling. The DOC faces serious challenges when considering where to place violent youthful offenders. If they remain within the juvenile justice system, the risk remains for mixing population groups where some juveniles might be victimized by other more violent and aggressive offenders. However, if the youth are waived to the adult system (or if they are age 16 or older and already face charges as an adult in the adult system) and are sentenced to one of the adult correctional facilities, they are placed in the untenable situation of trying to survive among an adult inmate population. This population is fully grown and developed, perhaps double in physical size and strength of the youth being incarcerated. This often results in horrific abuses for youths, many of whom turn to suicide in an attempt to escape the situation in which they find themselves. In testifying before the Juvenile Code and Youth Gang Study Commission, Lynn Cole, the Chaplain for waived youth at the Marion County Jail, summarized this concern as follows:

> The problem with moving or waiving kids from the juvenile to the adult system lies in part in keeping them in jail. They have no opportunity to move around and aren't kept busy. Then they are thrown into the adult system and thrown away. When thrown into the adult system, if they show any sign of weakness, they become someone else's sex slave and then commit suicide or are killed. Young kids end up joining prison gangs, such as the Aryan Brotherhood or the Black Nationalists, and end up getting meaner and tougher in order to survive. We seem to forget that these kids will be out and see the streets again.

There appear to be two types of youths within the population of young violent offenders. One group is composed of youths who are somewhat naive or impulsive and often end up being at the wrong place at the wrong time and getting caught up in the behavior of others. This group also includes those offenders who are showing off, injure someone unintentionally (such as through accidental firing of a firearm), or impulsively lash out at others with little thought to crime or consequence. These youths are particularly vulnerable if faced with incarceration in an adult system.

A second group who commit offenses are the hardened, remorseless offenders who commit crimes not impulsively or without thought, but rather in a planned, intentional, and calculated manner. These are often older adolescents who are members of criminal gangs, often engaged in serious drug-trafficking or other related crimes. Appropriate placement for this type of offender is important to public safety.

Several years ago, the State of Indiana recognized the need for an interim type of facility for the serious young-adult offender and created the Indiana Youth Center. While it was originally intended as a facility for young, first-time *felons*, it was never intended to serve as a facility for juvenile offenders. Serious overload and crowding of the adult correction system has resulted in the use of this facility for older adult offenders, leaving the state with no facility expressly for young adults. The Juvenile Code and Youth Gang Study Commission is examining the need for this type of facility but has not made a specific recommendation to create one. National experts have identified elements of programs that work well with violent offenders. According to the National Council on Crime and Delinquency:[55]

- Research has shown that small programs for intensively violent and serious offenders, coupled with integrated community-based systems, can effectively deal with most youthful violent offenders.
- The closest approximation to a model youth-corrections system that deals effectively with serious, violent, and chronic juvenile offenders can be found in the states of Massachusetts, Utah, and Missouri. Each of these states has abandoned large training schools and developed small, secure facilities for the dangerous few.

While programs for the small proportion of violent juvenile offenders are important, creating large, new treatment facilities is not the most effective long-range approach to

reducing violence. The Council goes on to warn:[56]

> Long-range reductions in youth violence depend on changing those factors that propel troubled youth toward violent behavior. Programs that deal only with offenders—that is, after the fact—will have little or no impact on levels of violence in America. ... Existing research strongly supports the need for a comprehensive violence reduction strategy. This strategy should include prevention programs, intermediate sanctions, well-structured community-based programs, small, secure facilities for the most serious offenders, and sound reentry and after-care services.

If Indiana is to create an effective new system for the most serious violent offenders within the existing juvenile justice system, it would do well to consider the advice of the National Council on Crime and Delinquency.

Too few prevention services

As noted by the National Council on Crime and Delinquency, the most effective strategy for reducing youth violence for the long run is to focus on changing those factors that propel troubled youth toward violent behavior. This approach includes comprehensive prevention strategies. The only statutorily charged, statewide network of youth-serving agencies designed to prevent juvenile delinquency in Indiana is the Youth Services Association, with a network of 25 Youth Service Bureaus. While a number of individual private programs exist in different pockets of the state, no other concerted network exists with the prevention of juvenile delinquency as its statutorily stated aim.

Youth Service Bureaus

Youth Service Bureaus began in the mid-1960's as an innovative method for delinquency prevention, at the recommendation of the President's Commission on Law Enforcement and Administration of Justice. Indiana's twenty-five Youth Service Bureaus provide a variety of services to at-risk and troubled youth, particularly those who are not being reached by traditional support services. Each local bureau is unique, addressing the needs of its respective community. They are grass roots, community-based organizations developed to serve the needs of youth. All bureaus provide four core services:

1. youth advocacy,
2. delinquency prevention and diversion,
3. a referral system and system linkage, and
4. community education.

The bureaus share a common philosophy advocating the importance of strengthening the family as the vital source of healthy development and acceptance of self and others.

The bureaus provide a variety of youth services. Examples relevant to the juvenile justice system include residential/shelter care programs and Project Safe Place, which

serves homeless and runaway youth. Juvenile justice programs designed to reduce the number of young people entering or remaining in the juvenile justice system include house arrest, community-service restitution projects, probation work programs, first-offenders classes, Court Appointed Special Advocates (CASA), Victim Offender Reconciliation Programs, and Teen Court. Some bureaus also offer conflict management education, anger management, and truancy groups.

Indiana boasted as many as 43 bureaus in the early 1970s. Although the population of Indiana's institutions that serve delinquent children dropped 40 percent in 1972[57] (the year 14 new bureaus were established), policy shifts at both the national and state levels led to funding cuts for the bureaus. As a result, many had to close their doors. Twenty-five bureaus now operate in Indiana, serving some 40,000 youth annually. In spite of their positive track record of intervening with youth, the bureaus have seen no significant expansion in state-level support. Despite an increase of 72 percent in filings of juvenile cases and 140 percent in reports made of abuse and neglect from 1983 to 1993, state bureau funding has remained constant at $325,000 for the last 8 years.

Tension between systems; poor coordination of Services

The tension among the separate components in Indiana's juvenile justice system is patently obvious. One source of tension is the philosophical view of how to approach the child's needs (i.e., punishment or correction, treatment or rehabilitation, education, or protection and support). Additional sources of tension reside in deciding which system will be responsible for payment for services and which system has control of the decisions about placement. Clearly there is a continuing need for coordination of the multiple systems.

Local Coordinating Committees

One of the most concerted efforts to date to coordinate the various service delivery agencies caring for troubled youth with multiple problems has been Indiana's system of local coordinating committees. In 1986, the Indiana General Assembly passed legislation mandating that the Interdepartmental Board for the Coordination of Human Services study the need for and availability of services for children and adolescents with a primary diagnosis of emotional disturbance. The Interdepartmental Board established a multi-agency committee to carry out the mandate. This committee recommended the establishment of Local Coordinating Committees (LCCs) for the purpose of reviewing and developing case plans for children at the threshold of care more restrictive than foster care. It further recommended a process requiring service providers to engage in multi-agency identification of the child's needs. The hope was that such measures would encourage recognition of each agency's respective responsibilities for the treatment of the child. Ninety-two county-based Local Coordinating Committees (LCCs) were established to review and develop these case plans for children.

The LCCs have not been without controversy or barriers. In some counties they mirrored efforts already under way and successful. In others, they faced insurmountable

challenges or resistance. Some counties reported lack of success because of inadequate resources to staff them and poor timing in the case review process. In Marion County the LCCs became the subject of a lawsuit alleging that they violate the civil rights of children by creating unreasonable delays in the placement process.

One of the responsibilities of the LCCs was to evaluate their own processes and outcomes. The Division of Mental Health contracted with the Indiana Youth Services Association (IYSA) in 1993 to conduct an evaluation of the effectiveness of the LCCs to date. IYSA summarized the original intent of the LCCs as follows:[58]

- To reduce the number of restrictive placements.
- To improve communication across agency boundaries.
- To identify gaps in the continuum of services.
- To identify multi-agency needs of individual children.
- To identify the needs of the child on return to his or her community.
- To encourage the melding of resources to meet the needs of individual children.
- To gather information for planning of distribution of resources at the state level.

The report evaluating the effectiveness of the LCCs has been completed and shows:[59]

- The use of restrictive placements has not declined in the past several years. Instead, it has increased from five to eight percent each year since 1988.
- There appears to be a general consensus that the implementation of this law improved communication across agency boundaries.
- There was general consensus that the process facilitated the identification of gaps in the continuum of services. However, identifying gaps without being empowered to fill them fueled a great deal of frustration among service providers.
- Participants reported that the LCC process had value in identifying the multi-agency needs of children and families. However, they reported that merely identifying these needs is of little value if participants are not empowered to commit resources (or if only very limited resources are available) to meet these needs.
- Some of the most pronounced frustration expressed by those interviewed addressed the lack of services for youth returning to the community after treatment.

- The melding of resources to meet the needs of individual children does not appear to be occurring with any degree of regularity.
- The use of information for planning and allocation of funding at the state level was viewed with great pessimism among those parties interviewed.
- Many voiced the opinion that the threshold for multi-agency staffing of youth was in error. They felt that very little could be done to keep the youth in the community by the time a case reached the LCC. There was frequently the suggestion that the threshold be changed to an earlier entry point in the service system.

IV. Addressing Problems at the State Level

Many efforts are currently under way to shore up and transform the juvenile justice system in Indiana. The state is often referred to as a "diamond in the rough" by those outside Indiana, a rubric indicating the contrast between the state's long history of system compromise and dysfunction and the current multiple efforts under way to improve services for youths and the processing of juveniles in the system. The relative success of these endeavors remains to be seen. Nevertheless, with the progress made in removing young people from detainment in adult jails, in building a community-based correctional system, and in bringing the various parties together to foster a comprehensive service-delivery system for youths, a spirit of skeptical optimism has been introduced in the policy and practice arenas. The following sections highlight some of the more recent state-level efforts under way to improve juvenile justice and its related systems in Indiana.

Recent efforts in the Juvenile Justice System

Conference for a Juvenile-Code Study Commission

As recent concerns about the juvenile justice system mounted, much attention has been paid to revising Indiana's juvenile code. The code was last revised extensively in 1978. Since that time, the complexities of service delivery for juveniles in the system have grown considerably.

In November of 1990, the Indiana Council of Juvenile and Family Court Judges sponsored a *Conference for a Juvenile-Code Study Commission.* The conference concluded that a study commission was needed to review the existing law and make legislative recommendations for clarification and revision. The participants identified over 70 issues that required review. Concerns fell into six categories:

- Philosophy and Policy
- Fiscal Issues
- Legal Issues
- Prevention

- Coordination
- Delivery of Services

This Conference was instrumental in identifying the need and creating support for later efforts in juvenile code reform.

Juvenile Law Interim Study Committee

The Legislative Services Agency (LSA) also identified the need for changes in the juvenile justice system in its 1991 Sunset study of the children's service-delivery system. LSA staff recommended that a Juvenile Law Interim Study Committee be created during the 1992 General Assembly. Public Law 78-1992 created this two year, legislative study committee to examine problems in juvenile laws and make recommendations for revision and improvement. This committee met during the summer of 1992 but made no recommendations for change that first year. The committee chairperson was not re-elected that fall, and the committee did not resume meeting in 1993.

Juvenile Justice Improvement Committee

The *Juvenile Justice Improvement Committee* was created by the Indiana Judicial Conference, an ex-officio commission, staffed by a state agency (the Judicial Center) and based in the judicial branch of government. All judges of the Supreme Court, the Court of Appeals, the Tax Court, and the circuit, superior, criminal, probate, juvenile, and county courts of the state constitute the Indiana Judicial Conference membership. The conference is directed by a 23-member Board of Directors made up of a variety of judges. Its purposes are to promote:[60]

1) an exchange of experiences and suggestions regarding the operation of the state's judicial system,

2) the continuing education of the judges,

3) a better public understanding of the judiciary, and

4) since 1979, the setting of standards and procedures for probation officers.

The Juvenile Justice Improvement Committee routinely examines methods for improving services within the juvenile justice system. Most recently this committee spent more than a year exploring the possibility of capturing the costs of some of its probation-officer administrative time spent working with youth eligible for federal child-welfare funding (Title IV-E) reimbursement.[61]

The Juvenile Justice Improvement Committee has also worked closely with the Juvenile Code and Youth Gang Study Commission (described below) to improve the juvenile code. Other areas the Committee has been monitoring include mental-health treatment facilities available for youth, the current status of improvements within the juvenile correctional system, and the adoption of standards for juvenile detention centers.

Juvenile Code and Youth Gang Study Commission

The Governor was also interested in addressing juvenile crime and delinquency through correcting problems inherent within the juvenile code and juvenile justice system. In 1992 he created by executive order a 24-member *Juvenile Code and Youth Gang Study Commission* to:

1) provide expertise and leadership for the development of a comprehensive and coordinated approach to addressing juvenile crime and delinquency, including illegal youth gangs and related youth crime; and

2) recommend to the Governor and the General Assembly revisions in the juvenile laws that can be implemented to reduce the incidence of juvenile crime and delinquency and improve the administration of juvenile justice in Indiana.

Members of the Commission are appointed for two-year terms. The Commission began meeting in December 1992 and created three committees, each to focus on a specific issue:

1) a Code Revision Committee to examine ways to improve both the substantive and procedural aspects of the juvenile code;

2) a Sentencing Committee to define problem areas in juvenile disposition and explore ways to make children and families more accountable to one another and their communities; and

3) a Gang Committee to examine the nature of illegal youth gangs and explore ways to curb the violence that youths in gangs are prone to commit.

Although the Commission prepared preliminary recommendations for the 1994 legislative session, these were not formally endorsed or converted into legislative bill drafts. The Commission continued meeting through 1994 and, after a series of public hearings on the issues, reached consensus on final recommendations for the 1995 legislative session (see Box 2, p. 40).

The Commission has met monthly and rigorously examined juvenile justice issues in the state of Indiana. The members have attempted to identify the ability of the state's current system to deal effectively with youths who are involved in behavior that threatens both their own and the public's safety. Commission members also examined some of the current literature on delinquency and public policy approaches taken in other states. The Commission has fulfilled the duties assigned in Executive Order No. 92-21. Now it is up to the Governor and the State Legislature to address these recommendations. The lives of many young Hoosiers depend upon their thoughtful deliberations.

Efforts of the Indiana Department of Correction

As mentioned earlier, the Department of Correction (DOC) has been very active in addressing the needs of its juvenile population through much needed system reform and enhancement. Efforts to reduce the overcrowding at the Indiana Boys' School to comply with the terms of the Federal Consent decree have already been discussed. Three

Box 2

1995 Recommendations of the Juvenile Code and Youth Gang Study Commission

- The Policy and Purpose Clause of the Indiana Juvenile Code should be amended to express that the juvenile justice system will endeavor to protect children and assist families, will promote public safety and individual accountability, and will provide a continuum of services developed through state and local cooperation.
- Youth under the age of sixteen years should be adjudicated in the juvenile court for all traffic offenses.
- Youth under the age of eighteen should be adjudicated in the juvenile court for offenses that involve the operation of a motor vehicle and controlled substances.
- The offense of Criminal Deviate Conduct, which requires the same force or threat of force as Rape, should be added to the list of offenses excluded from juvenile court jurisdiction for those age sixteen and older.
- The current waiver scheme is an effective tool for transferring juveniles from the jurisdiction of the juvenile court to adult criminal court.
- Any juvenile who has been waived to the adult criminal court for the alleged commission of an offense should be automatically tried in adult criminal court for any subsequently alleged offenses.
- Support for the current policy that defines a "child" as a person under the age of eighteen years should be continued.
- A definition that recognizes that in some instances, acts of truancy, running away, and other status offenses are more precisely indications that a child is a "Child in Need of Services" and not a delinquent should be added to the juvenile code.
- Parents of delinquent children should be parties to all delinquency proceedings.
- The public should be granted greater access to delinquency proceedings and records.
- The current policy which allows the juvenile court to determine whether the public should be excluded from Children in Need of Services and other proceedings is supported.
- The development of local programs to deal with youths adjudicated as delinquents is supported and calls on the state and local governments to cooperate in this area.
- The number of treatment facilities for serious and chronic delinquents should be increased.
- The current policy that allows juvenile dispositions to be determined on an individualized basis is supported.
- The juvenile court should be granted the authority to reinstate jurisdiction over a youth who has been released from the Department of Correction's custody so that the original disposition may be modified when further treatment or monitoring is necessary.
- The Department of Correction should be granted the authority to petition the court for an order requiring that parents, guardians, or custodians participate in their children's programs of care, treatment, and rehabilitation.
- The Local Coordinating Committees' role in reviewing restrictive placement should be voluntary, not mandated.
- Anti-gang programs for youths should be encouraged.
- Families and education should be supported in order to prevent gang activity.
- Strong enforcement of the gang control statutes is recommended, both in the juvenile and criminal justice systems, when illegal gang activity strikes.
- Vigorous enforcement of truancy and curfew laws is recommended.
- Parents, schools, neighborhood groups, and law enforcement all must play a role in suppressing gang activity.
- The establishment of family court pilot projects in Indiana is recommended so that Indiana may study the potential benefits and risks of unified case processing and service delivery to families in conflict.

Source: Indiana Juvenile Code and Youth Gang Study Commission, *Report to Governor Evan Bayh*, September 1994.

additional aspects of reform will be addressed here: building a community-based system of care, implementing a risk-assessment system to prevent inappropriate placement, and creating a system of aftercare services.

Building a community-based system of care

The DOC has been working vigorously to expand its capacity and distribute facilities across the state regionally. This distribution fosters more effective work with both family and offender to ensure a more successful transition once the youth returns home. DOC currently has eight facilities with juvenile programs:

Other than the Indiana Girls' School, these facilities serve male delinquents only. The last four facilities were opened in 1992. Summit Juvenile Facility is being converted to a Boot Camp for males and is expected to open in 2/95 or 3/95. The Northcentral Facility in Logansport opened 11/2/94 and will house 200 males. North East, Bloomington,

Name of Facility	Capacity
Indiana Boys' School	255
Indiana Girls' School	180
Fort Wayne Juvenile Residential Facility	32
South Bend Juvenile Facility	41
Northcentral Facility in Logansport (opened 11/94)	200
North East Juvenile Residential Facility (Fort Wayne)	50
Bloomington Juvenile Facility	54
Camp Summit Boot Camp (LaPorte) (to open by 3/95)	42
(Previously: Summit Juvenile Facility)	
Logansport Juvenile Facility	56
Total	910

Source: Indiana Department of Correction, 1994.

and Summit were all work-release centers for adults that were converted to house juvenile offenders. The juvenile facility at Logansport was designed to be a detention center but is now being used as a maximum security facility. Four of the beds at the Logansport facility have been held for the county as detention beds. Eleven of the beds at the South Bend Facility are used for diagnostic evaluation purposes. Children are generally held there for two weeks and then sent on to the most appropriate facility placement within the system.

DOC has also begun development of day-reporting units for offenders in their home communities. These facilities will provide academic and vocational education, as well as

training in life skills such as hygiene, sex education, work habits, and other routine aspects of daily life. Juveniles may be sent to these facilities for up to four hours a day. DOC currently operates two of these units out of their regional facilities in South Bend and Fort Wayne. DOC also contracts for day-reporting unit services in Marion county with Midwest Psychological Services and Volunteers of America. DOC staff are exploring expansion of these contracts into the Fort Wayne area. Each unit is operated by a contractor who operates independently from the youth-service coordinator positions described in the section below. DOC staff estimate that they would need 450 to 600 day reporting slots to implement this program statewide.[62] With the regional expansion of its juvenile system, greater access will be possible for both family and community.

Risk assessment

Because of the concerns regarding inappropriate placement of offenders and the risks inherent in mixing populations, DOC contracted with the National Council on Crime and Delinquency (NCCD) to develop a system to classify incoming offenders to determine appropriate placement (see Figure 6a, 6b, and 6c, pp. 44 and 45). After reviewing the youths in Indiana's system and developing the classification system, NCCD found that many of the juveniles currently housed at the Boys' School could be placed in less restrictive programs at the local level with little danger to public safety.

Intake specialists at the Boys and Girls' Schools develop a risk-assessment profile for each youth based on a series of questions in an interview with the youth (Figure 6c), court records, the youth's history of offenses, the youth's current offense category (Figure 6a) and other related factors. Once the risk assessment has been completed, a *recommendation* about placement and length of stay is made, based on a decision matrix (Figure 6b) that addresses the severity of the offense and the perceived risk of the offender to reoffend. It is important to emphasize that the matrix identifies a recommended placement stay that is only a proposed minimum. The actual length of stay for the juvenile is based on his/her specific behavior and progress.

Consistent use of the decision matrix helps ensure that offenders are treated equitably within the system, that they are placed in the least restrictive setting appropriate to their needs, and that offender populations are not inappropriately mixed.

Aftercare

The Department of Correction has also been working to build an aftercare system of services for juveniles once they return to their home communities. DOC has created several new positions called "youth service coordinators" as part of a pilot project to assist in the transition of young offenders back into their communities. The duties of youth service coordinators include arranging visits with the families of the child, working directly with these families, monitoring the progress of the youth while they are in DOC facilities, arranging for the youth to receive appropriate services at the local level, and supervising the behavior of the youth while in the coordinator's charge. Youth service coordinators are distinguished from probation officers in that they work more intensively with the youths and their families, follow the youths even while incarcerated in a DOC juvenile facility, and they have a smaller caseload. The position of youth service coordina-

tor is based on the premise that youthful offenders are more likely to be successfully integrated into the community if they receive appropriate intervention and supervision at the local level.

At this time, five youth service coordinators work in Marion county, two in Allen county, and one in St. Joseph county. Two additional positions are scheduled to be funded and will be assigned to Marion and St. Joseph counties. During the next two year budget cycle, DOC hopes to create 40 additional youth-service coordinator positions to further expand these services throughout the state. DOC staff estimate that a total of 75 youth service coordinators will be needed to fully expand the program statewide.

Efforts in the social service system

Indiana's juvenile justice system is not alone in its reform efforts: Indiana's various social agencies are also working to improve methods to prevent young people from entering the juvenile justice system in the first place. Among these initiatives is improvement at the local level to coordinate services for at-risk youth and their families. As noted throughout this report, delinquent youth have often experienced a series of failures or disappointments and likely have already been involved with several different intervention systems prior to their appearance in juvenile court. Some of the key state-level initiatives under way to serve youths and prevent adjudication as delinquents are described below.

The Commission on Abused and Neglected Children and Their Families

After the Legislative Services Agency sunset evaluation of the service system for children with special needs, legislation was passed to examine these issues more closely. During the 1992 General Assembly, P.L. 154-1992 established the Commission on Abused and Neglected Children and Their Families. This 22-member Commission had broad, bipartisan representation and was directed to develop and present an implementation plan for a continuum of services for abused and neglected children and their families. The Commission's 16 recommendations are summarized in Box 3, page 46.

Step Ahead

In spite of progress that followed the reorganization of state government agencies, Indiana still faced the challenge of a highly fragmented system at the local level where services are actually delivered to Hoosier children and their families. Governor Bayh proposed the Step Ahead initiative in 1991 "to provide a statewide, comprehensive, seamless service-delivery system to children from birth to age 13 in the State of Indiana" that would be accessible, affordable and of high quality.[63]

Step Ahead invited each Indiana county to participate in a process of coordinating resources and collaborating to plan and implement comprehensive services for families and children—from prenatal care to job training for parents seeking employment; from infant care to school-age child care; from early intervention for children with special needs to routine health screenings and procedures. To participate in Step Ahead, one of four local institutions (either the local schools, the United Way, the county extension service, or the Community Action Program) served as convener for a broadly representa-

Figure 6a: Indiana Offense Categories (1 = Most Serious, 4 = Least Serious)

Code 1 - Violent Offenses

1-1 Murder
1-2 Arson, A B*
1-3 Child Molest A B C D
1-4 Criminal Deviate Conduct, A B
1-5 Kidnapping, A
1-6 Rape, A
1-7 Robbery With Serious Bodily Injury, A
1-8 Robbery, Armed, B
1-9 Voluntary Manslaughter, A B
1-10 Causing Suicide, B D
1-11 Consumer Product Tampering, B C D
1-12 Criminal Confinement, B C D
1-13 Neglect of a Dependent, B
1-14 Operating a Machine Gun/Hurling a Bomb, B
1-15 Involuntary Manslaughter, C D
1-16 Aggravated Battery, B
1-17 Armor Piercing Handgun Ammunition, C
1-18 Battery, C D
1-19 Deadly Weapon or Aircraft, C
1-20 DWI Resulting in Death, C
1-21 Intimidation, C
1-22 Reckless Homicide, C
1-23 Sexual Battery, C D
1-24 Explosive/Flammable Substance, C
1-25 Neglect of Dependent/Child Selling
1-26 Incest, C
1-27 Feticide, C
1-28 Criminal Gang Intimidation, C
1-29 Child Exploitation, D
1-30 Dealing Sawed-Off Shotgun
1-31 Possession Sawed-Off Shotgun
1-32 Rioting, D
1-33 Sexual Misconduct, D
1-34 Unlawful Use of Stun Gun, D
1-35 Leaving Scene of Personal Injury Accident, D
1-36 Criminal Recklessness, A
1-37 Other

Code 2 - Serious Offenses

2-1 Delivery, Dealing in Controlled Substance - Narcotic, Cocaine, etc.
2-2 Burglary, B C
2-3 Attempt to Commit Felony, same as offense code
2-4 Aiding, Inducing or Causing Offense
2-5 Assisting Criminal
2-6 Conspiracy
2-7 Promoting Prostitution Under 18
2-8 Resisting Law Enforcement, C D
2-9 Handgun Violation, C
2-10 Possession Handgun Without License
2-11 Obliterating Handgun, C D
2-12 Criminal Gang Activity, C
2-13 Arson, C D
2-14 Other

Code 3 - Less Serious Offenses

3-1 Trafficking with Inmate, D
3-2 Contempt of Court, D
3-3 Escape, C D
3-4 Mischief, C D
3-5 Forgery, D
3-6 Loan Sharking, D
3-7 Welfare Fraud, D
3-8 Fraud, D
3-9 Prostitution, D
3-10 Poisoning, D
3-11 Bigamy, D
3-12 DWI, D
3-13 False Reporting, D
3-14 Ghost Employment, D
3-15 Obstruction of Justice
3-16 Patronizing a Prostitute
3-17 Perjury
3-18 Possession of Controlled Substance, Narcotic, Cocaine, etc.
3-19 Misdemeanor Battery
3-20 Misdemeanor Involuntary Manslaughter
3-21 Possession of Stolen Property, D
3-22 Theft, D
3-23 Conversion
3-24 Vehicle Theft, D
3-25 Criminal Recklessness
3-26 Public Intoxication
3-27 Public Indecency
3-28 Trespassing
3-29 Other

Code 4: Minor Offenses/ Misdemeanors

4-1 All traffic related offenses not previously listed
4-2 Runaway
4-3 Truancy
4-4 Parole Violations
4-5 Violation of SCIBS
4-6 Probation Violations
4-7 Other

***Letters denote class of felony.**

Source: Indiana Department of Correction, Agency Assessment and Placement Forms.

Figure 6b: Decision Matrix: Placement and Length of Stay Recommendation

Offense Severity ↓	High Risk	Medium Risk	Low Risk
Code 1 Violent Offenses	Indiana Boys' School Indiana Girls' School Logansport Juvenile Facility *Stay = 12 months followed by Day Reporting Unit*	Indiana Boys' School Indiana Girls' School Logansport Juvenile Facility *Stay = 6-9 months followed by Day Reporting Unit*	Regional Facilities or Indiana Boys' School Indiana Girls' School *Stay = 6-9 months followed by Day Reporting Unit*
Code 2 Serious Offenses	Indiana Boys' School Indiana Girls' School Logansport Juvenile Facility *Stay = 6-9 months followed by Day Reporting Unit*	Regional Facilities Indiana Boys' School Indiana Girls' School *Stay = 6-8 months followed by Day Reporting Unit*	Regional Facilities *Stay = 2-4 months followed by Day Reporting Unit*
Code 3 Less Serious Offenses	Regional Facilities *Stay = 3-6 months followed by Day Reporting Unit*	Regional Facilities *Stay = 2-3 months followed by Day Reporting Unit*	Regional Facilities *Stay = 2-3 months followed by Day Reporting Unit*
Code 4 Minor Offenses/ Misdemeanors	Regional Facilities *Stay = 3-6 months followed by Day Reporting Unit*	Regional Facilities *Stay = 2-3 months followed by Day Reporting Unit*	Intensive Supervision

Source: Indiana Department of Correction, Agency Assessment and Placement Forms.

Figure 6c: Indiana Department of Correction—Juvenile Risk Assessment Profile

__ 1. Age at First True Finding
Age at the time the first true finding was made in the juvenile court. Always use the age of the youth in years at his or her last birthday prior to date of the first true finding. Do not round up (e.g., 14 years 7 months equals 14).

0 = 16 or more years
3 = 13 to 15 years
6 = 12 years or less

__ 2. Substance Abuse
The purpose of this section is to assess how the use of alcohol and/or drugs affects the functioning of the offender. This type of information may come from a variety of sources and may not always be substantiated.

0 = No known use. Indicates there is not use, history of use, or patterns of strained relationships with parents concerning use.

1 = Experimental use. No dependence; satisfies curiosity/peer pressure.

2 = Some disruption. Indicates any level of disruption in functioning: Scholastic achievement, family life, or other areas.

3 = Serious disruption. Indicates chronic and/or frequent use of alcohol or illegal substances. The juvenile may have an admitted or diagnosed dependency as indicated in the SASSI.

__ 3. School/Employment
0 = No problems. Attending, graduated, GED, or full-time or part-time employment.

1 = Moderate problems. Occasional attendance or discipline problems.

2 = Serious problems. The child has expulsions, infrequent attendance, has been referred to court for truancy, or school discipline problems.

4 = Not enrolled or not employed. Not enrolled in school or employed at time of arrest.

__ 4. Peers
The counselor/clinician should determine the type of peer(s) with whom the offender associates.

0 = No problems. The offender is associating with positive activities and/or peers which do not influence his or her involvement in delinquent behavior.

1 = Moderate problems. Limited or occasional problems with peers. Some offenses may include coconspirators and/or some peers involved in delinquent behavior. Includes juveniles with inappropriate loner behavior.

3 = Mostly delinquents. The offender is a known gang member or associations are primarily with peers with strong delinquent orientations. Includes a juvenile whose offenses are committed consistently with others.

__ 5. Parental/Guardian Supervision
0 = Effective. Parents or current guardian are concerned and expect the child to attend school, obey the law, and take responsibility for his/her actions. Parents communicate their expectations and provide sanctions for misbehavior and rewards for good behavior.

1 = Inconsistent or ineffective. Parents have expectations for good behavior, but do not provide sanctions for misbehavior or they are inconsistent when they do so. Or, the discipline is excessive and does not reasonably address the problem. Includes juveniles who move frequently in and out of foster care or move frequently between foster parents.

2 = No supervision. Parent(s) are uninvolved and allow the minor to function on his/her own. Includes juveniles in independent living situations.

4 = Contributes to delinquency. The family has a history of involvement in the juvenile justice system *and* the juvenile is receiving active or passive reinforcement for his/her delinquent behavior at home. Parents resist outside intervention from public agencies. Parents contribute to delinquency by being involved in antisocial behavior themselves. Parents are overprotective and blame others for the minor's delinquent behavior; parent's attitude prohibits the minor from accepting responsibility for his/her acts or minimize them.

__ 6. Number of Prior Offenses
Do not include present offense.

0 = None. No prior true findings. However, record check should still be completed.

2 = One to two. Any prior true finding on record within any juvenile court. These true findings must have occurred prior to the present court act and must have separate cause numbers.

3 = Three or more. Three or more prior true findings. Must have separate cause numbers.

__ 7. Prior Supervision Behavior
This category indicates court-ordered supervision by probation.

0 = No prior supervision. No prior referrals to juvenile court.

2 = Reoffended after previous supervision ended. A further offense was committed after the end of supervision.

4 = Reoffended during previous supervision. Self-explanatory.

Note: Reoffending should include any new offenses and/or new instances of court-ordered probation.

__ 8. Prior Institutional Commitments or Placements
0 = None. Youth has never been placed outside the home of primary caretaker.

1 = Post-adjudication commitment to detention. Placement in the juvenile portion of a city jail or detention facility for 10 to 30 days, excluding infractions for traffic offenses.

2 = Prior parental residential placement(s). This includes any placement in a children or youth home; county, state, or private program including drug or alcohol and/or mental health placement. *Licensed* foster homes are included in this category. This placement was not mandated by court.

4 = Prior court/welfare residential placement(s). Juvenile placed in a residential placement for over 30 days by the court or welfare department as a CHINS or delinquent.

6 = Any state's DOC. Includes a commitment to the Indiana Department of Corrections or similar institution in other states. This does not include placement in a county jail or detention center.

Key to Scoring

0 - 12 points = Low risk
13 - 19 points = Medium risk
20 or more points = High Risk

Source: Indiana Department of Correction, Agency Assessment and Placement Forms.

Box 3

Summary of Recommendations
Commission on Abused and Neglected Children and their Families

1. By November 1, 1992, the Indiana Child Abuse Risk Evaluation (I-CARE) system must be initiated in all parts of the state. This system would provide more efficiently the same information now available to caseworkers and would help to ensure that cases are treated uniformly across the state. The commission further recommends that one personal computer be provided for every two child welfare workers.
2. By July 1, 1995, caseload standards must not exceed a maximum of: 25 families per month (both new and existing cases) for child protection workers and 25 children (both new and existing cases) for child welfare caseworkers. This level should be achieved by reducing the average caseload by at least 25% per year for the next three years. Compliance with this recommendation must be met by hiring additional caseworkers rather than reducing the number of cases accepted for investigation.
3. Child welfare workers must be reclassified as specialists, they must be limited to child welfare work only and their job grades and compensation must be raised. Child welfare personnel classification and pay must be adjusted by January 1, 1993 to be commensurate with job responsibilities, education and experience.
4. Education and qualifications of child protection and child welfare intake, caseworkers and supervisors must be revised to reflect the specific nature of the responsibilities.
   a. All workers must have a Bachelor's degree in Social Work or a related field (experienced caseworkers will be protected by a grandfather clause).
   b. All workers must have at least five days of competency based training prior to being assigned cases.
   c. All new caseworkers must "shadow" a trained caseworker for at least five days prior to being assigned cases.
   d. All child welfare workers must attend the statewide 5-day training program within 2 months of accepting assignments.
   e. All child welfare workers must complete at least 24 hours of continuing training each year.
   f. Child welfare supervisors must have a Master's degree in Social Work or a related field (existing supervisors will be protected by a grandfather clause).
5. Funding for child welfare services must be maximized to reflect a financial investment in Indiana's future workers and citizens.
6. Comprehensive family preservation services must be implemented in each county by 1995 and must include: 24-hour crisis intervention services; risk assessment, case management and monitoring; intensive in-home skill building and counseling; emergency respite care; after care linkage and evaluation.
7. Permanency planning for children must be expedited in accordance with Indiana Juvenile Code 31-6-4-19.
8. Plans for prevention programs on child abuse and neglect and family violence must be developed in each Indiana Division of Family and Children District by January 1, 1994, and implemented in each county by January 1, 1995. Responsibility for these plans rests with the District Division of Family and Children and must comply with the state plan developed by the Indiana Chapter of the National Committee for Prevention of Child Abuse for the Indiana Child Abuse Prevention Fund.
9. The role of the Advisory Committee for the Division of Family and Children should be expanded to include the annual review of all the recommendations set forth in this report, including the annual reports to comply with the recommendations. Arrangements should also be made for periodic external audits (no less than every five years) of child welfare services in Indiana.
10. Corporal punishment must be banned in all Indiana schools, state licensed group homes and child-caring institutions, and foster homes by December 1993.
11. Legislative or administrative regulations must be amended to allow the exchange of information between Child Welfare personnel and professionals providing evaluation and treatment services to children involved in the child welfare system. Inappropriate release of information relative to a child welfare case should be classified as a Class B misdemeanor.
12. The availability of low cost or subsidized mental health services needs to be greatly increased in all parts of Indiana by maximizing and using federal funding streams, including the expansion of Medicaid and the use of the Medicaid Rehab option.
13. The statutes of limitations on incest and child sexual abuse in civil and criminal cases should be eliminated.
14. A demonstration project in two urban and two rural townships should start in July 1993 to link township trustee offices and County Division of Family and Children offices in order to expedite the provision of emergency assistance funds to families receiving family preservation services.
15. By January 1, 1994, the phone access system to report suspected child abuse and neglect in all counties should be standardized. Personnel trained in child abuse and neglect must handle calls from the public regarding possible child abuse/neglect 24 hours per day. The child abuse hotline number must be advertised with all other emergency numbers, and the number should preferably be one consistent 4 or 7 digit number throughout the state (e.g., XXX-KIDS).
16. By January 1, 1994, the Division of Family and Children should appoint a working group representing law-enforcement personnel, attorneys, child welfare staff, foster parents and day care providers to develop protocols and guidelines for criminal history background checks of professionals and paraprofessionals working with children.

Source: *The State of the Child in Indiana, II*, Judith B. Erickson, 1993.

tive group of community agencies. These agencies had to include, at minimum, the county health department, local coordinating councils for special needs children, Head Start, the Private Industry Council, public schools and WIC clinics. Conveners were encouraged to invite representatives of some 35 other groups ranging from Child Protective Services to universities to consumers.

All 92 counties are participating in Step Ahead and have formed Councils. Each of the plans that has been developed reflects local needs and realities. Some counties are farther along in the process than others, but the state as a whole is moving in a common direction. Counties have their success stories, but they are also facing such common frustrations as securing and coordinating the resources needed to implement their plans and extending the same types of seamless service-delivery to older teens. Investment in Step Ahead may represent the best hope statewide that Indiana has for helping Hoosier communities support the healthy development of the state's young people. Such investment, wisely allocated to prevention and early intervention services will yield dividends in competent, productive citizens in years to come.

Indiana collaboration project and plan

As Indiana's counties planned to move their Step Ahead initiatives forward, patterns emerged in the barriers they were facing in dealing with state and federal agencies as they attempted to make their local service-delivery systems "seamless." The State of Indiana has responded by contracting with Jule Sugarman, Chairman of the Washington-based Center on Effective Services for Children, to develop an Indiana Collaboration Plan. This plan is intended to provide strategies for state and local providers that will reduce barriers and offer guidelines for enhanced collaborative efforts.

Sugarman is building the Indiana Collaboration Project on a four-point philosophy:

- More decisions should be made at the local level.
- State agencies should provide essential standards and strong technical assistance support to local communities and allow a flexible approach on the part of communities.
- Collaboration should be encouraged at all levels.
- Collaboration should extend to private as well as public agencies.

The proposal for the Plan was completed in March 1994.[64] It is now up to Indiana's citizens—in their legislature, their public and private agencies, their communities and their homes—to develop the will and to provide the resources to make it work.

Healthy Families Indiana

The Healthy Families Indiana initiative is based on the successful Healthy Families America model. This initiative provides a systematic screening of all families for stress prior to or at the time of birth of a child. It provides for intensive home visitation with families who are identified as overburdened. The program focuses on strengthening families, enhancing parent-child interaction, and fostering healthy growth and develop-

ment. Participation is voluntary and has been shown to be extremely effective in preventing child abuse and neglect in Hawaii and other states, even among the most overburdened of families.[65]

The planning and administration of the Indiana program has been guided and supported by the Healthy Families Indiana "Think Tank." This statewide and multidisciplinary organization provided the impetus to develop the planning effort and the preparation of the first request for funds; the organization continues to provide input regarding administration of the pilot projects and to plan for future expansion of the program. Funding for the pilot projects comes from the Indiana Healthy Families Fund, which combines federal funds from several federal programs with a minimum of 30 percent local funding.

Phase I, which included six county pilot sites (Allen, Fayette, Miami, Morgan, Orange, and Vigo), was funded by the Division of Mental Health, the Division of Family and Children, the Criminal Justice Institute, and the Department of Health, (Maternal and Child Health). Phase I services began in January 1994.

Phase II was started in July 1994 in an additional ten counties (Bartholomew, Daviess/Martin, Elkhart, Floyd, Lake, Putnam, Marion, Monroe, and Tippecanoe). Funding for this phase came from additional Maternal and Child Health monies.

Phase III started in November 1994 and included seven additional counties (Clark, Delaware, Grant, Henry, Howard, Knox, and St. Joseph). Funding for Phase III is coming from the Office of Juvenile Justice and Delinquency Prevention."[66]

The Indiana Family and Social Services Administration, in conjunction with the Healthy Families Indiana "Think Tank," has developed contracts with Indiana Universities to complete vital parts of the Healthy Families Indiana plan. They include Indiana University School of Social Work for monitoring and process evaluation, and the Child Development and Family Studies Department of Purdue University for outcomes evaluation.

Efforts to reform funding

As noted in this report, funding is the most fundamental issue undergirding and driving placement decisions within the juvenile justice system for both CHINS children and delinquent children. The funding streams available to pay for care of troubled youth are multiple, highly complex, and based in several different agencies of state and federal government. This bureaucratic confusion has resulted in a shell game of sorts among participants, with one agency trying to place payment responsibility for children with another agency when the child needs more expensive care. The link between the cost of this care and rapidly rising property tax rates has not been readily understood by many members of government and the general public. One of the most sweeping efforts in the history of the state to examine these issues in detail was made by a special committee appointed by the Governor.

Governor's Special Committee on Welfare Property Tax Controls

The Governor's Special Committee on Welfare Property Tax Controls began its work in August 1993, charged with:

> identifying those problems in the nature and administration of the social services financed by welfare property taxes and to develop the solutions that will bring welfare property taxes under control.[67]

The motivations for examining the issue, revealed in testimony before the committee, were clearly fiscal.[68]

> Property taxes for welfare have been increasing at unacceptably high rates in recent years. Indeed, over the past eight years, property tax levies for welfare have increased at a compound annual growth rate of 12.6 percent compared with an overall increase in other property tax levies of 6.1 percent. The elected county commissioners and council members are frustrated at the growth in this state program over which they have no control.
>
> Executive Director, Indiana Association of Counties

> These costs cannot be borne by the average property owner much longer.
>
> Indianapolis Mayor Goldsmith

> We must develop new methods to control escalating welfare property taxes which have increased well above the rate of inflation in recent years.
>
> Governor Evan Bayh

The committee worked diligently for three months. They involved the major leaders of the respective state agencies charged with fiscal oversight and planning responsibility for these public services. Members were somewhat surprised by their findings:[69]

- The explosion in property taxes was not for public assistance—what most of us think of as "welfare"—but for services for abused, neglected, and delinquent children.
- The most expensive services were the costs of caring for children outside their own homes, especially in institutions of one kind or another, some out of state.
- The mission of the Committee became one of identifying more cost-effective ways of financing and providing services for troubled children.

Chairman Frank Sullivan concluded:[70]

> The Committee wants to stress at the outset of this Final Report that it is not "welfare," as that term is commonly understood, which has

> caused the property tax crisis that the Committee has addressed. Rather, it is a society in which children are abused, neglected, and commit serious crimes, leaving child protection caseworkers, juvenile probation caseworkers, juvenile courts, mental health facilities, schools, other social service providers, and taxpayers to pick up the pieces. Until those underlying societal problems are solved, pressures for continually increasing expenditures for services to troubled children will remain.

The Special Committee's report to the Governor includes five recommendations for improving the financing of services for troubled children, six recommendations for improving the provision of services for troubled children, and one recommendation addressing the need to give greater emphasis to prevention and family preservation initiatives. The specific recommendations are summarized in Box 4.

The interdisciplinary nature of the recommendations clearly demonstrates the multiple intergovernmental agency *involvement* in placing troubled children in institutional care outside their homes. Thus, if the state agencies charged with their care are to provide effective services at reduced cost, interagency *cooperation* must occur.

Efforts for reform in residential placement

The extensive work of the Governor's Special Committee on Welfare Property Tax Controls raised the issue of residential care for troubled children to paramount importance. The Committee addressed the need for the state to assist with finding solutions to this problem in Recommendation # 9: helping to create additional institutional placements in Indiana for troubled children. The first major state agency effort to do so based on the work of the Committee involves the use of the Central State Hospital property in Marion county.

Central State Hospital Working Group

After a series of patient deaths and long term facility problems, Central State Hospital discontinued inpatient services to adults on July 1, 1994. In anticipation of the facility's closure, the Governor directed a working group of FSSA, State Budget Agency, and Department of Administration staff to prepare recommendations for use of the property. They were to explore the possibility of using the property to provide services to those troubled children (and their families) who now must often be sent out of state for high-cost residential treatment or placement. On September 22, 1994, the working group presented its recommendations to the Central State Advisory Committee, a legislative committee charged with overseeing the closure of Central State Hospital and the transition of patients to less restrictive, community-based treatment or residential placements (see Box 5, p. 52).[71]

The recommendations of the working group have been met with mixed responses. Some feel that, given the apparent shortage in residential beds and the great need for residential services (especially in Marion county), the facility would be a great benefit, shortening the amount of time that children are separated from their families and

Box 4

Recommendations of Governor's Special Committee on Welfare Property Tax Controls

Recommendation # 1
The Committee recommends that a new county Family and Children's Fund (FCF) be created. Each county would segregate into the FCF all expenditures for services for children adjudicated CHINS or delinquents now being paid from the County Welfare Fund (CWF) (or the county general fund in respect of services for children adjudicated to be delinquent in those nine counties where such services are paid for from the general fund). Revenues to the FCF would include property taxes (from a new Family and Children's levy), excise taxes, financial institution taxes, state replacement and homestead credit payments, and parental and other reimbursement in the same manner that such revenues are currently credited to the CWF. The CWF (and County Welfare Fund levy) would remain in existence and be used for expenditures for public assistance (AFDC) and other current purposes not related to services for CHINS or delinquents, in accordance with current law and practice.

Recommendation # 2
The Committee recommends that new budgeting requirements be established for the new Family and Children's Fund. At a minimum, the county Division of Family and Children (DFC) and juvenile court (in both its adjudicatory and probation roles) should be required jointly to develop and present the annual FCF budget to the county council and to meet on a monthly basis after adoption to review expenditures against budget.

Recommendation # 3
The Committee recommends that the state and counties make aggressive efforts to take full advantage of reimbursement opportunities (including retroactive reimbursement) under the Title IV-E, Title IV-A, and any other available federal programs. The Committee recommends that the DFC and its parent, the FSSA, and the juvenile courts, structure their programs and policies so that they comply to the maximum extent practicable with the requirements of the programs under which the federal government provides reimbursement.

Recommendation # 4
The Committee recommends that standards and guidelines be established for ordering, and procedures be put in place to enforce, parental reimbursement for services provided to children adjudicated CHINS or delinquent.

Recommendation # 5
The Committee recommends that the transfer provision of the public school tuition support distribution formula be reviewed, particularly with a view to requiring the transferring school corporation to pay transfer tuition to the transferee school corporation in all cases in which a residential placement is ordered for a child outside the school corporation of the child's residence.

Recommendation # 6
The Committee recommends that the state establish an Indiana Family and Children's Institute as a resource center to assist counties in developing treatment programs for troubled children and their families.

Recommendation # 7
The Committee recommends that a common diagnostic or risk assessment instrument be developed and used by all DFC child protection and juvenile probation caseworkers in Indiana and that both types of caseworkers receive the same training in case management techniques.

Recommendation # 8
The Committee recommends that prior to April 1, 1994, the County DFC director and juvenile court in each county convene a conference in their respective counties for all agencies that provide services for troubled children and their families, other members of the County Step Ahead Council, and other interested parties for the purpose of exploring ways of improving interagency cooperation in providing such services.

Recommendation # 9
The Committee recommends that the state become actively involved in helping to create additional institutional placements in Indiana for troubled children.

Recommendation # 10
The Committee recommends that increased emphasis be placed on monitoring the post-adjudication placements of troubled children so that children can be moved to less intense (and in most cases less expensive) placements as soon as appropriate.

Recommendation # 11
The Committee recommends that the system of state support for community mental health centers be reformed so that priority is given to serving severely emotionally disturbed children, including targeting state support for services to these children and funding competing providers if local community mental health centers do not make such funding a priority.

Recommendation # 12
The Committee recommends that existing state programs designed to prevent child abuse and neglect and juvenile crime be coordinated with one another and with counterpart local programs and expanded when financially practicable.

Source: *Final Report, Governor's Special Committee on Welfare Property Tax Controls*, Chairman Frank Sullivan, Jr., October 27, 1993.

Box 5

Working Group Recommendations for Use of the Central State Hospital Property

- The Family Campus should be designed to resemble a modern, suburban, residential community. The facility should be "homelike" in design, based on ten to twelve units, each distinctive in design and decor but each patterned after a four- to five- bedroom home. Separate modules could function as an on-site school, community center, and administrative building.
- Each home can, as needed, be utilized to provide services at different portions of the residential child care continuum.
- The facility should plan initially to serve a minimum of 120 children, adolescents, or family members at any given time on campus.
- The facility should plan initially to coordinate or provide nonresidential wraparound services for a minimum of three hundred (300) children or adolescents and their family members.
- The On-Site school should be managed by the Indianapolis Public Schools (IPS). As the Local Education Agency (LEA), IPS can accept tuition transfers from other school districts and can ease transitions back into community schools.
- Vocational education/habilitation should be a major component of any program for adolescents, including job training, transitional employment services, and independent living skills.
- Each child should have an individualized care and treatment plan, and the primary goal of that plan should stress the eventual return to a normative family setting and community inclusion.
- The campus itself would provide management and maintenance staff, as well as a core group of professionals whose main task would be to provide consultation to and coordination within and between on-campus individual modules and wraparound services.
- Working relationships with community-based providers must be in place to provide natural links to the community before and after stays on the campus.
- Family education and support will be an important part of the campus functioning, with an emphasis on family integration during the out of home placement.
- Each module will have the equivalent of three (3) professional staff primarily extending services into the community. They will concentrate on follow-up, wraparound, outpatient therapy, and prevention. This will assure that services are provided to many more children than those residing on the campus.
- It is recommended that admission criteria be established to limit treatment to children who have not exhibited homicidal, sexual predatory, or habitually violent behavior.
- The Family Campus facility should be accredited by a respected national accrediting body to ensure that quality of services and treatment be maintained.
- Demolition of existing buildings on the site where the Family Campus will be located should be the responsibility of the state.
- It is recommended that construction of the Family Campus units should be undertaken by the State Office Building Commission.

Source: *Recommendations to Governor Evan Bayh for Use of the Central State Hospital Property Site*, Indiana Family and Social Services Administration, August 30, 1994.

making more treatment options available. According to Mayor Goldsmith, Marion county's child welfare costs have grown at a rate of about 50 percent a year. They now stand at $35 million and involve approximately 1,000 court wards in institutions or foster homes.[72] Given Central State's location, it would make it much easier to work with their families and to reintegrate the children into the community if Marion county children now placed out of state could be brought back to Indiana. To the extent that Marion county children placed in other facilities in the state could be served through the proposed plan, space could also be freed up for other counties to gain access to those beds. Such arrangements would keep their own children closer to home and bring about the benefits proximity offers for family treatment and counseling.

In contrast to the above view, it is not clear how the proposed plan will address the needs of Marion and several other counties' children currently placed out of state. As proposed, the plan does not intend to serve assaultive or violent youth. For this reason, many advocates have criticized the plan, indicating that sufficient beds already exist in state for nonviolent offenders. Rather, what is needed, they feel, are services instate for youngsters with violent, predatory behavior problems. The surrounding community is very much opposed to having Central State used to serve violent youth. Interestingly enough, the same report outlining the recommendations to Governor Bayh also notes the profile of the typical youth in placement, both for the state and for Marion county.

Based on an analysis of 454 of the 533 children and youth (statewide) placed out of state through the Division of Family and Children, the typical placement was as follows:[73]

- He is a white male CHINS, approximately 14 years old, with 1 to 3 prior placements, who has not been in the current placement for more than one year.
- He is most likely to have been diagnosed with depression and oppositional defiant disorder. His significant behaviors include aggression (assaults/fights), runaway, delinquency issues. His IQ is in the low 80s.
- His delinquency most typically included burglary/theft, truancy, battery, runaway, and under age consumption.

Compare this with the profile of the 122 Marion county youth placed out of state for treatment:[74]

- He is a white male CHINS, approximately 16-18 years old, with 0 to 2 prior placements. He has been in the current placement for 1 to 2 years.
- He is most likely to have been diagnosed with depression, oppositional defiant disorder, or a personality disorder.
- His IQ is under 70.
- His delinquency most typically included running away and theft.

- His significant behaviors include the need for special education, treatment for aggression, suicidal threats/attempts or delinquency.

If Central State is to be used to provide residential care relief in the continuum of care for troubled Hoosier youth, it is hoped that it will better match the programs offered to the needs that currently exist, rather than add to the surplus of unneeded care.

Improvement in data collection

The Criminal Justice Institute, a state agency based in the executive branch of government, is charged with the responsibility of evaluating state and local programs associated with law enforcement, the administration of criminal and juvenile justice, and the prevention, detection, and solution of criminal offenses. It is also responsible for encouraging research in new methods for reducing crime and delinquency. The Institute is currently involved in a project designed to improve the data available on juvenile offenders. It is described below.

Juvenile Statistical Analysis Project

The Juvenile Statistical Analysis Project of the Criminal Justice Institute involves better and more comprehensive collection of data on youth in the juvenile justice system, in partnership with the Office of State Court Administration. This Office is a state agency based in the judicial branch of government, under the Supreme Court, and is responsible for statewide judicial administration including collecting, compiling, and reporting annually on case filings and dispositions, and revenues and expenditures. The Office of State Court Administration began receiving formula grant funds from the Criminal Justice Institute in 1991 for a pilot project that allowed its office to serve as a central repository for information collected on every juvenile who comes into contact with any local probation department.

The Criminal Justice Institute currently gathers information on juveniles securely held in juvenile detention centers, adult jails and lockups, and secure correctional facilities. However, the Criminal Justice Institute does not have access to information describing the handling of juveniles at various decision points in the juvenile justice system. The Juvenile Statistical Analysis Project of the Office of State Court Administration will follow a juvenile's case from entry into the juvenile justice system through exit from the system. This project is currently being piloted in 14 county probation departments (Lake, Vigo, Elkhart, Fulton, Hamilton, Michigan City, LaPorte, Howard, Henry, Wayne, Allen, Johnson, Monroe, and Marion). It will track specific youth as they move through the system, from intake to discharge. Once this information becomes available to the general public, much can be learned from the process patterns documented.

V. Addressing Problems at the Federal Level

The recently passed Violent Crime Control and Law Enforcement Act of 1994, (the Act), commonly referred to as the "crime bill," has stirred up much discussion among various sectors of the youth-serving community. According to the U.S. Department of Justice, this federal legislation is the largest crime bill ever passed in the history of the United States. Interesting enough, much of the controversy surrounding the bill resided in the programming to prevent delinquency and violence. While lip service is routinely paid to preventing youth delinquency and violence, this position is rarely translated into effective investment in promising programs or those that have already demonstrated effectiveness. Readily labelled "social pork," these programs are often the first to be cut from proposed legislation. Although passed by a narrow margin, the Act retains both language and funding for investing in youth development programs. While the Act contains provisions not specifically related to juveniles, many of its components directly effect juveniles. A summary of the Act is presented so that readers may draw their own conclusions about its content and purposes (see Box 6, pp. 56-58)

The estimated assistance Indiana could receive under this bill is $338 million. The U.S. House of Representatives' Democratic Study Group prepared this estimate on August 10, 1994, based on data from the Senate Judiciary Committee. It breaks out as follows:

- 2,200 police officers,
- $207 million for law enforcement (including funds for police, Byrne law enforcement grants, and rural law enforcement grants),
- $48 million for prisons (not including funds for truth-in-sentencing grants since it is not clear which states would be eligible), and
- $83 million in prevention funding (including grants through the Local Partnership Act, Violence Against Women Act, Drug Treatment in Prisons, Community Schools Youth Services Program, and the Family and Community Endeavors Program).

This estimate does not include all funds authorized under the bill and does not include those provisions that are competitive and thus unable to be estimated. If Indiana is to realize the maximum possible return of this federal funding, the state must gear up to secure a portion of those dollars that will be awarded on a competitive basis.

Summary of the Violent Crime Control and Law Enforcement Act of 1994

Box 6

The following summary of the Violent Crime Control and Law Enforcement Act of 1994 was prepared by the U.S. Department of Justice and is taken verbatim from their Fact Sheet dated September 26, 1994. They divided the bill into four components: I. Substantive Criminal Provisions, II. Immigration Initiatives, III. Grant Programs for 1995, IV. Grant Programs for 1996-2000.

> *The Violent Crime Control and Law Enforcement Act of 1994 represents the bipartisan product of six years of hard work. It is the largest crime bill in the history of the country and will provide for 100,000 new police officers, $9.7 billion in funding for prisons and $6.1 billion in funding for prevention programs which were designed with significant input from experienced police officers. The Act also significantly expands the government's ability to deal with problems caused by criminal aliens. The Crime Bill provides $2.6 billion in additional funding for the FBI, DEA, INS[1], United States Attorneys, Treasury Department, and other Justice Department components, as well as the Federal courts. Some of the most significant provisions of the bill are summarized below:*

I. Substantive Criminal Provisions

Assault Weapons

Bans the manufacture of 19 military-style assault weapons, assault weapons with specific combat features, "copycat" models, and certain high-capacity ammunition magazines of more than ten rounds.

Death Penalty

Expands the Federal death penalty to cover about 60 offenses, including terrorist homicides, murder of a Federal law enforcement officer, large-scale drug trafficking, drive-by-shootings resulting in death and carjackings resulting in death.

Domestic Abusers and Firearms

Prohibits firearms sales to and possession by persons subject to family violence restraining orders.

Firearms Licensing

Strengthens Federal licensing standards for firearms dealers.

Fraud

Creates new insurance and telemarketing fraud categories. Expands Federal jurisdiction to cases that do not involve the use of the mail or telephone wire to commit a fraud. Provides special sentencing enhancements for fraud crimes committed against the elderly.

Gang Crimes

Provides new and stiffer penalties for violent and drug trafficking crimes committed by gang members.

Immigration

Provides for enhanced penalties for alien smuggling, illegal reentry after deportation, and other immigration-related crimes. (See Part II).

Juveniles

Authorizes adult prosecution of those 13 and older charged with certain serious violent crimes. Prohibits the sale or transfer of a firearm to or possession of certain firearms by juveniles. Triples the maximum penalties for using children to distribute drugs in or near a protected zone, i.e., schools, playgrounds, video arcades, and youth centers.

Registration of Sexually Violent Offenders

Requires states to enact statutes or regulations which require those determined to be sexually violent predators or who are convicted of sexually violent offenses to register with appropriate state law enforcement agencies for ten years after release from prison. Requires state prison officials to notify appropriate agencies of the release of such individuals. Requires states to criminally punish those who fail to register. States which fail to establish registration systems may have Federal grant money reduced.

Repeat Sex Offenders

Doubles the maximum term of imprisonment for repeat sex offenders convicted of Federal sex crimes.

Three Strikes

Mandatory life imprisonment without possibility of parole for Federal offenders with three or more convictions for serious violent felonies or drug trafficking crimes.

Victims of Crime

Allows victims of Federal violent and sex crimes to speak at the sentencing of their assailants. Strengthens requirements for sex offenders and child molesters to pay restitution to their victims. Improves the Federal Crime Victim's Fund and the victim-related programs it supports.

Other

Creates new crimes or enhances penalties for: drive-by-shootings, use of semiautomatic weapons, sex offenses, crimes against the elderly, interstate firearms trafficking, firearms theft and smuggling, arson, hate crimes, and interstate domestic violence.

II. Immigration Initiatives

The Crime Bill contains specialized enforcement provisions respecting immigration and criminal aliens. Those

programs are highlighted here:

- $1.2 billion for border control, criminal alien deportation, asylum reform, and a criminal alien tracking center.
- $1.8 billion to reimburse states for incarceration of illegal criminal aliens. (See State Criminal Alien Assistance Program (SCAAP) Grants in Section III).
- Enhanced penalties for failure to depart the United States after a deportation order or reentry after deportation.
- Expedited deportation for aliens who are not lawful permanent residents and who are convicted of aggravated felonies.
- Statutory authority for abused spouses and spouses with abused children to petition for permanent residency or suspension of deportation.

III. Grant Programs For 1995

Most of these programs are authorized for six years beginning October 1, 1994. Some are formula grants, awarded to states or localities based on population, crime rate or some other combination of factors. Many are competitive grants. All grants will require an application process and are administered by the Department of Justice unless otherwise noted. As always, all funds for the years 1996-2000 are subject to appropriation by the Congress.

Brady Implementation

Comprehensive grant program for states to upgrade criminal-history records keeping so as to permit compliance with the Brady Act. $100 million available in 1995. $50 million authorized in 1996-1997.

Byrne Grants

Formula grant program for states for use in more than 20 law enforcement purposes, including state and local drug task force efforts. $450 million available for the formula grant program in 1995. $550 million authorized in 1996-2000.

Community Policing

Competitive grant program (COPS Program) to put 100,000 police officers on the streets in community policing programs. $1.3 billion available in 1995. $7.5 billion authorized in 1996-2000.

Community Schools

Formula grant program administered by the Department of Health and Human Services for supervised after-school, weekend, and summer programs for at-risk youth. Funds expected to be available in 1995. $567 million authorized in 1995-2000.

Correctional Facilities/Boot Camps

Formula and competitive grant program for state corrections agencies to build and operate correctional facilities, including boot camps and other alternatives to incarceration, to ensure that additional space will be available to put—and keep—violent offenders incarcerated. Fifty percent of money to be set aside for those states which adopt truth-in-sentencing laws (violent offenders must serve at least 85% of their sentence) or which meet other conditions. $24.5 million in competitive funds available for boot camps in 1995. $7.9 billion authorized in 1996-2000.

Drug Courts

Competitive grant program to support state and local drug courts which provide supervision and specialized services to offenders with rehabilitation potential. $29 million available in 1995. $971 million authorized in 1996-2000.

Hotline

Competitive grant program administered by the Department of Health and Human Services to establish a national Domestic Violence Hotline. $1 million authorized in 1995. $2 million authorized in 1996-2000.

Prevention Council

Provides funding for the President's Prevention Council to coordinate new and existing crime prevention programs. $1.5 million available in 1995. $88.5 million authorized for competitive grants in 1996-2000.

SCAAP Grants

Formula grant program to reimburse states for the cost of incarcerating criminal aliens. $130 million available in 1995. $1.67 billion authorized in 1996-2000.

Violence Against Women

Formula grant program to support police and prosecutor efforts and victim services in cases involving sexual violence or domestic abuse, and for other programs which strengthen enforcement and provide services to victims in such cases. $26 million available in 1995. $774 million for formula grants and over $200 million for competitive grants authorized in 1996-2000.

IV. Grant Programs For 1996-2000

All programs available in 1995 are continued. All programs are administered by the Department of Justice unless otherwise noted. Funding for 1996-2000 is, as always, subject to appropriation by the Congress.

Battered Women's Shelters

Competitive grant program administered by the Department of Health and Human Services for battered women's shelters and other domestic violence prevention activities. $325 million authorized.

Capital Improvements to Prevent Crime in Public Parks

Competitive grant program administered by the Department of Interior for states and localities for crime prevention programs in national and public parks. $15 million authorized.

Community Economic Partnership

Competitive program administered by the Department of Health and Human Services for lines of credit to community development corporations to stimulate business and

employment opportunities for low-income, unemployed, and underemployed individuals. $270 million authorized.

Crime Prevention Block Grants

$377 million authorized for a new Local Crime Prevention Block Grant program to be distributed to local governments to be used as local needs dictate. Authorized programs include: anti-gang programs, sports leagues, boys and girls clubs, partnerships (triads) between the elderly and law enforcement, police partnerships for children, and youth skills programs.

Delinquent and At-Risk Youth

Competitive grant program for public or private nonprofit organizations to support the development and operation of projects to provide residential services to youth, ages 11 to 19, who have dropped out of school, have come into contact with the juvenile justice system, or are at risk of either. $36 million authorized.

DNA Analysis

Competitive grant program for states and localities to develop or improve DNA identification capabilities. $40 million authorized. An additional $25 million is authorized to the FBI for DNA identification programs.

Drug Treatment

$383 million for prison drug treatment programs, including $270 million in formula grants for states.

Education and Prevention to Reduce Sexual Assaults Against Women

Competitive grant program administered by the Department of Health and Human Services to fund rape-prevention and education programs in the form of educational seminars, hotlines, training programs for professionals, and the preparation of informational materials. $205 million authorized.

Family and Community Endeavor Schools

Competitive grants program administered by the Department of Education for localities and community organizations to help improve the overall development of at-risk youth living in poor and high-crime communities. This program is for both in-school and after-school activities. $243 million authorized.

Local Partnership Act

Formula grant program administered by the Department of Housing and Urban Development for localities to enhance education, provide substance abuse treatment, and fund job programs to prevent crime. $1.6 billion authorized.

Model Intensive Grants

Competitive grant program for model crime prevention programs targeted at high-crime neighborhoods. Up to 15 cities will be selected. $625 million authorized.

Police Corps

Competitive funding for the Police Corps (college scholarships for students who agree to serve as police officers), and formula grants to states for scholarships to in-service law enforcement officers. $100 million authorized for Police Corps, and $100 million authorized for in-service law enforcement scholarships.

Prosecutors

Competitive grant program for state and local courts, prosecutors, and public defenders. $150 million authorized.

Rural Law Enforcement

Formula grant program for rural anticrime and drug enforcement efforts, including task forces. $240 million authorized.

Technical Automation

Competitive grant program to support technological improvements for law enforcement agencies and other activities to improve law enforcement training and information systems. $130 million authorized.

Urban Recreation for At-Risk Youth

Competitive grant program administered by the Department of Interior for localities to provide recreation facilities and services in areas with high crime rates and to provide such services in other areas to at-risk youth. $4.5 million authorized.

[1]FBI = Federal Bureau of Investigation, DEA = Drug Enforcement Agency, INS = Immigration and Naturalization Service.

Source: U.S. Department of Justice, *Fact Sheet*, September 26, 1994.

VI. Making the Investment

Indiana has major reform initiatives under way. It is not clear, however, that these efforts will be fruitful or just another patchwork attempt to plug holes throughout the system. What is striking about the many different bipartisan studies, committees, commissions, working groups, and initiatives is the repeated consistency of their findings. They have all reached essentially the same conclusions:

- In any services or reforms planned, families must be important players.
- We need a complete continuum of care for children and youth.
- Prevention programming is critical across the board.
- All components of the system must have sufficient staffing.
- Services among the system parties need to be coordinated.
- Planning for the needs of individual children must be flexible.
- Without an infusion of resources throughout the system, none of the proposed reform efforts will succeed.

Paul Steiner of the federal Office of Juvenile Justice and Delinquency Prevention summarizes the imperative nature of the challenge before us and the need for a holistic approach, one that includes prevention services and support of the healthy development of our nation's youth.[75]

> Public safety is paramount—government has a duty to protect the public from kids who can kill. But it is becoming ever more apparent that increasing police, prosecution, and prisons alone is not sufficient or effective in stemming the tide of youth violence and crime.... Arrests of juveniles for violent crime increased 57 percent between 1983 and 1992. Arrests of juveniles for murder increased by 128 percent during this period.... From 1983 to 1991, the population of juveniles from the age of ten to the upper age of juvenile court jurisdiction *decreased* by nearly four percent, but the number of juveniles held in custody on any

> given day increased by approximately 20 percent. ... By 2005, the total population of youths from 15 to 19 years old will grow by an estimated 23 percent. These statistics indicate the need for a comprehensive prevention strategy that addresses the root causes of delinquency.

For years, Indiana has been merely treating the *symptoms* of juvenile delinquency and ignoring the larger *diseases* of child maltreatment, family dysfunction, and societal disintegration. Initiatives implemented in a handful of counties are insufficient to prevent juvenile offending. Hoosiers—in their efforts to conserve resources such as money, beds, and staff—are caught in a financial struggle that may lead to the short-sighted solution that we must choose between services and correction for juveniles *after* they have committed delinquent acts—or—family and youth programs to *prevent* delinquency in the first place. We must not allow this debate to center on only one or the other of these two approaches. As all the commission and task force reports point out, a combined approach is necessary. A combined approach will require *significant* investment in both the juvenile justice and child welfare systems. Initiatives must be designed to intervene and support fragile families and youth. We must also invest in those programs that promote healthy development and make our youth stakeholders in our communities. These include such programs as Youth As Resources, Healthy Families Indiana, and Teen Courts.

All children are the collective responsibility of the whole community. Meager investment in some children, randomly made here and there, will do little to stem the rising tide of disillusionment, dysfunction, despair, and death that daily engulfs Hoosier children and youth. Are we prepared to accept fear among our citizenry, preventable child deaths, racial disharmony, and economic dependency? One advocate recently noted that if we do not address the disillusionment of our youth soon, "we are going to hell on a rocket ship." The question so often debated is: *Can the citizens of Indiana summon the will to invest in our children?* The real question should be: *Can we afford* NOT *to invest in our children?* Our futures depend on it.

Notes

[1]Judge Donald E. C. Leicht, Cass County Circuit Court, *The Cass County Experiment*, paper presented at 1993 Juvenile Judges Symposium, Nashville, IN, 1993, p. 5.

[2]Indiana Department of Correction, *Characteristics of Students: Indiana Boys' School* (Indianapolis, IN: Indiana Department of Correction, 1990).

[3]National Council on Crime and Delinquency, *Classification and Placement System for Indiana Juvenile Corrections*, Preliminary draft presented by N.C.C.D. (San Francisco, CA: National Council on Crime and Delinquency, 1992), pp. 3-5.

[4]Cathy Spatz Widom, "The Cycle of Violence," *National Institute of Justice, Research in Brief* (Washington, DC: U.S. Department of Justice, October 1992), p. 1.

[5]National Council on Crime and Delinquency, pp. 3-5.

[6]George McLaren, "Danger On Our Minds," *The Indianapolis Star*, August 21, 1994, p. A-1.

[7]n.a. "Complete Crime Poll Results," *The Indianapolis Star*, August 28, 1994, p. D-4.

[8]Kevin Morgan, "Youth Crime Unnerves Hoosiers," *The Indianapolis Star*, October 2, 1994, p. A-1.

[9]McLaren, p. A-10.

[10]McLaren.

[11]McLaren.

[12]Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 1990 and 1991, cited in *Sending Kids Into a Safer World* (Washington, DC: National Crime Prevention Council, June 1993), pp. 21-21.

[13]Michael A. Jones and Barry Krisberg, Ph.D., *Images and Reality: Juvenile Crime, Youth Violence, and Public Policy* (San Francisco, CA: National Council on Crime and Delinquency, June 1994), p. 16.

[14]National Issues Forums Institute, Prepared by The Public Agenda, *Kids Who Commit Crimes: What Should Be Done About Juvenile Violence?* (Dubuque, IA: Kendall/Hunt Publishing Company, 1994), p. 3.

[15]Chaplain for Waived Youth, Marion County Jail, Public Hearing Testimony, Indianapolis, IN, September 9, 1994, State of Indiana, Governor's Juvenile Code and Youth Gang Study Commission.

[16]Andrea Neal, "Young Lives on the Edge," *The Indianapolis Star*, November 7, 1993, p. A-1.

[17]Linda Graham Caleca, "The Politics of Crime," *The Indianapolis Star*, August 28, 1994, p. D-1.

[18]Caleca.

[19]Caleca.

[20]David S. Liederman, "Curbing Country's Growing Problem of Violence Requires Neighborhood, Federal Efforts," *The Spotlight*, May 18, 1994, p. 1.

[21]President Bill Clinton, *State of the Union Address, January 25, 1994*, cited in Paul Steiner, "Delinquency Prevention," *Office of Juvenile Justice and Delinquency Prevention, Fact Sheet 6* (Washington, DC: U.S. Department of Justice, February 1994), p. 1.

[22]Doreen L. Smith, *Kids, Crime, and Court: The Juvenile Justice System in Indiana* (Indianapolis, IN: Indiana Youth Institute, 1994).

[23]Indiana Family and Social Services Administration, Division of Family and Children, *FY 1992 Annual Report.*

[24]Widom, p. 1.

[25]*Indiana Juvenile Alternatives, Annual Statistics for Regional Grant Projects, 7/1/92 to 6/3-/93*, Indiana Department of Correction, Indiana Criminal Justice Institute, and the Indiana Juvenile Justice Task Force, p. 1.

[26]Indiana Code 31 6-4 (Legal Steps Required).

[27]The Annie E. Casey Foundation, *KIDS COUNT Data Book 1994* (Baltimore, MD: The Annie E. Casey Foundation, 1994), p. 61.

[28]David J. Remondini, "America's Silent Victims," *The Indianapolis Star*, August 21, 1994, p. B-1.

[29]Remondini, p. B-4.

[30]Jones and Krisberg, pp. 2-3.

[31]Laurel Elliot, *Juvenile Detention in Indiana* (Indianapolis, IN: Indiana Juvenile Justice Task Force, June 1992), p. 2.

[32]Indiana Juvenile Code and Youth Gang Study Commission, *Report to Governor Evan Bayh* (Indianapolis, IN: Indiana Criminal Justice Institute, September 1994), p. 1.

[33]Indiana Juvenile Code, *Report to Governor Evan Bayh*, p. 2.

[34]Indiana Juvenile Code, *Report to Governor Evan Bayh.*

[35]Covered by I.C. 35-47-2.

[36]Covered by I.C. 35-47-10.

[37]Covered by I.C. 35-47-5.

[38]Basically, the *county* division pays all of these costs for non-IV-E eligible children. For IV-E eligible children, the county Division pays 36.15 percent (based on Medicaid rate) of the IV-E approved per diem rate of the specific facility plus whatever piece of the per diem of the facility that is not IV-E approved. For example, if the IV-E facility approved rate is $200 per day but the facility charges $220 per day, the local county Division would pay the $20 not approved by IV-E plus 36.15 percent of the $200 approved rate, assuming the child is Title IV-E eligible.

[39]Indiana Legislative Services Agency, *Children With Special Needs and Local Service Delivery, October 1991, Evaluation Audit* (Indianapolis, IN: Indiana Legislative Services Agency, 1991), pp. 38-39.

[40]Indiana Legislative Services Agency, Fiscal Note Calculations taken from House Bills 1679 and 1720, 1993.

[41]Indiana Commission on Abused and Neglected Children and Their Families, *Child Abuse and Neglect: Indiana's Emergency* (Indianapolis, IN: Indiana Commission on Abused and Neglected Children and Their Families, 1992), p. 4.

[42]Personal communication between Indiana Youth Institute and Indiana Family and Social Services Administration, Division of Family and Children, December 1994.

[43]Indiana State Legislature, Interim Study Committee on Correction Issues, *Committee Meeting Minutes* (Indianapolis, IN: Indiana Legislative Services Agency, August 31, 1994), p. 6.

[44]Chris Ball, *Significant Findings of Probation Staff Survey*, Telefaxsimile communication dated January 5, 1995 (Indianapolis, IN: Indiana Judicial Center, July 13, 1994).

[45]Ball, Indiana Judicial Center.

[46]Indiana State Legislature, Interim Study Committee on Correction Issues, p. 6.

[47]Indiana State Legislature, Interim Study, p. 5.

[48]*Children With Special Needs*, p. 129.

[49]Indiana Family and Social Services Administration, *Recommendations to Governor Evan Bayh for Use of the Central State Hospital Property Site* (Indianapolis, IN: Indiana Family and Social Services Administration, August 30, 1994), p. 4.

[50]DDARS = Division of Disability, Aging, and Rehabilitation Services.

[51]*Children With Special Needs*, p. 131.

[52]*Recommendations to Governor Evan Bayh for Use of the Central State Hospital Property*, pp. 7-8.

[53]Indiana State Legislature, Interim Study Committee on Correction Issues, p. 1.

[54]Indiana State Legislature, Interim Study Committee on Correction Issues, p. 5.

[55]Jones and Krisberg, p. 6.

[56]Jones and Krisberg, pp. 6-7.

[57]Sherwood Norman, *The Youth Service Bureau* (Washington, DC: National Commission on Crime and Delinquency, 1972).

[58]James R. Killen, Ted Petti, M.D., and James D. Williams, 1993 *Local Coordinating Committee Survey (Regarding LCC Participation)* (Indianapolis, IN: Indiana Youth Services Association, September, 1993), remarks prepared for The Family and Social Services Administration, Division of Mental Health, Child and Adolescent Services, October, 1993.

[59]Killen, Petti, and Williams, 1993.

[60]Indiana Chamber of Commerce, *Here is Your Indiana Government* (Indianapolis, IN: Indiana Chamber of Commerce, 1993), pp. 43-44.

[61]If the appropriate administrative procedures are followed, probation time spent working with eligible Title IV-E delinquent or CHINS youth placed residentially out of the home could be claimed for federal reimbursement at a matching rate of 50 percent federal participation. In addition, if title IV-E eligible, a portion of the residential care costs for these youths (63.85 percent of the IV-E approved per diem rate of the specific facility) can be claimed for federal reimbursement.

[62]Evelyn I. Ridley-Turner, Deputy Commissioner for Juvenile Services, *telefaxsimile memorandum dated October 20, 1994* (Indianapolis, IN: Indiana Department of Correction, 1994).

[63]Judith B. Erickson, "Step Ahead," *The State of the Child in Indiana, II* (Indianapolis, IN: Indiana Youth Institute, 1993), p. 277.

[64]Marion County Step Ahead Council, *Update, July 1993 Newsletter* (Indianapolis, IN: Marion County Step Ahead Council, 1993).

[65]Rhonda Vickery Impink & Joanne B. Martin, *Facilitating a Collaborative Partnership for Healthy Families Indiana: Strategies for Effective Team Building Between Governmental, University and Nonprofit Representative*. Paper presented at Conference *What Works?: Synthesizing Effective Biomedical and Psychosocial Strategies for Healthy Families in the 21st Century*, Indianapolis, IN, November 11 - 13, 1994, p. 5.

[66]Impink and Martin, p. 9.

[67]Chairman Frank Sullivan Jr., remarks, *Committee Meeting Proceedings* (Indianapolis, IN: Indiana Governor's Special Committee on Welfare Property Tax Controls, August 20, 1993), p. 2.

[68]Sullivan, Indiana Governor's Special Committee on Welfare, pp. 1-2.

[69]Chairman Frank Sullivan Jr., *Final Report, Governor's Special Committee on Welfare Property Tax Controls* (Indianapolis, IN: Indiana Governor's Special Committee on Welfare Property Tax Controls, October 27, 1993), p. 1.

[70]Sullivan, *Final Report, Governor's Special Committee on Property Tax*, p. 1.

[71]*Recommendations to Governor Evan Bayh for Use of the Central State Hospital Property Site*, pp. 9-10.

[72]Larry MacIntyre, "New Goals for Central State: Saving Families and Funds," *The Indianapolis Star*, September 2, 1994, pp. 1-2.

[73]*Recommendations to Governor Evan Bayh*, Appendix One, p. 1.

[74]*Recommendations to Governor Evan Bayh*, Appendix One, p. 2.

[75]Paul Steiner, "Delinquency Prevention," *Office of Juvenile Justice and Delinquency Prevention, Fact Sheet 6* (Washington, DC: U.S. Department of Justice, February 1994), p.1.

10 Blueprints for Healthy Development

The Indiana Youth Institute's blueprints for healthy development of all Indiana's children are based on the premise that every child in Indiana–regardless of race, gender, ethnicity, physically or mentally challenging condition, geographical location or economic status–deserves an equal opportunity to grow up in a safe, healthy, and nurturing environment.

Building a Healthy Body

Indiana's youth will be born at full term and normal birth weight to healthy mothers. They will receive a well-balanced diet in adequate supply to grow strong bodies to acceptable height for their age. They will be provided a balance of physical activity and rest in a safe and caring environment. They and their families will have access to good medical care and educational opportunities that will teach them how to abstain from health-endangering activities and engage in health-enhancing activities.

Building Positive Relationships

Indiana's children will experience love and care of parents and other significant adults. They will develop wholesome relationships while learning to work collaboratively with peers and adults.

Building Self-Acceptance

Indiana's children and youth will perceive themselves as lovable and capable; they will act with self-confidence, self-reliance, self-direction, and self-control. They will take pride in their accomplishments. As they develop self-esteem, they will have positive feelings about their own uniqueness as well as that of others.

Building Active Minds

Indiana's young people will have stimulating and nurturing environments that build on their individual experiences and expand their knowledge. Each young person will reach his or her own potential, gaining literacy and numeric skills that empower the lifelong process of asking questions, collecting and analyzing information, and formulating valid conclusions.

Building Spirit and Character

Indiana's young people will grow up learning to articulate values upon which to make ethical decisions and promote the common good. Within safe boundaries, children and youth will test limits and understand relationships between actions and consequences.

Building Creativity and Joy

Indiana's young people will have diverse opportunities to develop their talents in creative expression (e.g., music, dance, literature, visual arts, theater); to appreciate the creative talents of others; and to participate in recreational activities that inspire constructive, lifelong satisfaction.

Building a Caring Community

Indiana's communities will encourage their young people to see themselves as valued participants in community life. In addition to being recipients of services that express the communities' concerns for their safety and well-being, young citizens will become resources who will improve their surroundings, support the well-being of others, and participate in decisions that affect community life.

Building a Global Perspective

Indiana's children and youth will learn to see themselves as part of the global community, beyond ethnic, religious, racial, state, and national boundaries. In formal and nonformal educational experiences, they will have opportunities to become familiar with the history, political issues, languages, cultures, and ecosystems that affect global life and future well-being.

Building Economic Independence

Indiana's young people will be exposed to a variety of educational and employment experiences that will contribute to vocational and career options. Their formal and nonformal educational experiences will prepare them to make the transition from school to work, to contribute to the labor force, and to participate in an economic environment that will grow increasingly more complex and will require lifelong learning.

Building a Humane Environment

All children will have access to a physically safe environment, free from abuse, neglect, exploitation, and other forms of violence. They will have adequate housing and living conditions; safe neighborhoods; clean air, food, and water. Their environment will be free from toxins, drugs, alcohol, and tobacco. All children will have an opportunity to learn how to protect their environment for the future.

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kids count in Indiana

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Working with adults who care about youth

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